


  
**FEDERAL REGISTER**
  
 OF THE UNITED STATES

1934

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Washington, Wednesday, February 16, 1955

**TITLE 5—ADMINISTRATIVE PERSONNEL**

**Chapter I—Civil Service Commission**

**PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE**

**DEPARTMENT OF THE INTERIOR**

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (4) of § 6.310 is amended as set out below.

§ 6.310 *Department of the Interior—(a) Office of the Secretary* \* \* \*

(4) Six Confidential Assistants (Field Representatives).

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] WM. C. HULL,  
Executive Assistant.

[F. R. Doc. 55-1321; Filed, Feb. 15, 1955;  
8:53 a. m.]

**TITLE 8—ALIENS AND NATIONALITY**

**Chapter I—Immigration and Naturalization Service, Department of Justice**

**MISCELLANEOUS AMENDMENTS**

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

**PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS**

Section 211.4 is amended by adding a new paragraph designated (f) so that, when taken with the introductory material, paragraph (f) will read as follows:

§ 211.4 *Immigrants not required to present passports.* Aliens of the following-described classes (including alien crewmen) who apply for admission to the United States as immigrants are not required to present passports:

\* \* \* \* \*  
(f) An immigrant who is the alien parent of a United States citizen.

**PART 214—ADMISSION OF NONIMMIGRANTS: GENERAL**

The last sentence of § 214.3 *Bonds* is amended to read as follows: "Bond shall be furnished on Form I-317 or I-377 as the admitting officer shall determine."

**PART 214a—ADMISSION OF NONIMMIGRANTS: FOREIGN GOVERNMENT OFFICIAL**

Section 214a.3 *Bond* is revoked.

**PART 214b—ADMISSION OF NONIMMIGRANTS: TEMPORARY VISITOR FOR BUSINESS OR PLEASURE**

Section 214b.2 *Bonds* is revoked.

**PART 214c—ADMISSION OF NONIMMIGRANTS: TRANSIT ALIENS**

Section 214c.3 *Bonds* is amended by deleting the words "Form I-336" whenever they appear and substituting therefor "Form I-377."

**PART 214e—ADMISSION OF NONIMMIGRANTS: TREATY TRADER**

Section 214e.3 *Bond* is revoked.

**PART 214f—ADMISSION OF NONIMMIGRANTS: STUDENTS**

Section 214f.3 *Bond* is revoked.

**PART 214g—ADMISSION OF NONIMMIGRANTS: FOREIGN GOVERNMENT REPRESENTATIVES TO INTERNATIONAL ORGANIZATIONS**

Section 214g.3 *Bond* is revoked.

**PART 214h—ADMISSION OF NONIMMIGRANTS: TEMPORARY SERVICES, LABOR OR TRAINING**

Section 214h.2 is amended to read as follows:

§ 214h.2 *Bond.* Nonimmigrants of the classes described in section 101 (a) (15) (H) of the act who are required to furnish bonds under § 214.3 or § 214.4 of this chapter shall do so on Form I-377, and shall be in an amount specified by

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the district director or the regional commissioner.

**PART 214i—ADMISSION OF NONIMMIGRANTS: REPRESENTATIVES OF INFORMATION MEDIA**

Section 214i.2 Bonds is revoked.

**PART 238—ENTRY THROUGH OR FROM FOREIGN CONTIGUOUS TERRITORY AND ADJACENT ISLANDS**

Section 238.3 is amended to read as follows:

§ 238.3 *Contracts and bonding agreement for certain transit aliens.* Transportation lines desiring to bring to the United States aliens in direct and continuous transit through the United States en route to foreign destinations in accordance with the provisions of section 238 (d) of the act shall apply to the Commissioner for the privilege of entering into a contract, including a bonding agreement. Such contract, if agreed to by the Commissioner, shall be on Form I-426 or I-426A in duplicate, whichever the Commissioner deems appropriate.

**PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES**

Section 243.11 is amended to read as follows:

§ 243.11 *Special care and attention for aliens—(a) Duty of transportation line.* Whenever it is determined by the district director that an alien about to be deported requires special care and attention, the transportation line responsible for the expense of the alien's deportation shall provide for such care and attention as may be required by the alien's condition, not only during the voyage from the United States to the foreign country to which the alien is to be deported, but also during the foreign inland journey. The alien shall be delivered to the master, commanding officer, or the officer in charge of the vessel or aircraft on which the alien is to be deported, who shall be given Forms I-287, I-287A, and I-287B. The reverse of Form I-287A shall be signed by the

officer of the vessel or aircraft to whom the alien has been delivered and immediately returned to the immigration officer making delivery. Form I-287B shall be retained by the receiving officer and subsequently filled out by the agents or persons therein designated and returned by mail to the district director named on the form.

(b) *Procedure at foreign port of disembarkation.* The transportation line shall at its own expense forward the alien from the foreign port of disembarkation to his destination in charge of a proper attendant except only in cases where the foreign public officials decline to allow such attendant to proceed and themselves take charge of the alien, which fact shall be recorded by the transportation line executing the form provided in the lower half of the reverse of Form I-287B. If the foreign public officials do not take charge of the alien at the port of disembarkation, but at an interior frontier, both forms on the reverse of Form I-287B shall be filled out, the former in relation to the inland journey as far as such frontier.

(c) *Failure of transportation line to provide special care.* Whenever a transportation line responsible for the expenses of the alien's deportation fails, refuses, or neglects to provide personal care and attention for an alien requiring such care and attention, or whenever such line fails, refuses, or neglects to return Form I-287B properly executed within 90 days after the departure of such an alien, or otherwise fails, refuses, or neglects to comply with the provisions of this section, the district director shall thereafter and without notice employ suitable persons, at the expense of the transportation line, to accompany aliens requiring personal care and attention who are deported on any vessel or aircraft of such line.

**PART 263—REGISTRATION OF ALIENS IN THE UNITED STATES: PROVISIONS GOVERNING SPECIAL GROUPS**

The first sentence of paragraph (b) of § 263.2 *Certain Canadian citizens and British subjects; agricultural workers* is amended by deleting the words "214k or".

**PART 265—REGISTRATION OF ALIENS IN THE UNITED STATES: NOTICES OF ADDRESS**

1. Section 265.1 is amended to read as follows:

§ 265.1 *Notices of address.* The notices of address, change of address, and new address required by the act shall be furnished on, and in accordance with, the forms prescribed in this part, which shall be made available without cost at post offices and at offices of the Service in the United States.

2. The fourth sentence of § 265.1 *Form of notification* is amended to read as follows: "The card shall be signed by the alien or his parent or guardian and, upon completion, handed to a postal clerk at any United States post office who will forward it to a designated immigration and Naturalization Service office."

**PART 292—ENROLLMENT AND DISBARMENT OF ATTORNEYS AND REPRESENTATIVES**

1. Paragraph (a) of § 292.2 *Qualifications for admission to practice* is amended by deleting "§ 1.1 (a) (12)" and substituting therefor "§ 1.1 (a) (14)".

2. Paragraph (o) of § 292.6 *Suspension and disbarment* is amended by deleting "§ 1.1 (a) (12)" and substituting therefor "§ 1.1 (a) (14)".

**PART 319—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: SPOUSES OF UNITED STATES CITIZENS**

The last sentence of § 319.11 *Procedural requirements* is amended by deleting the words "Form N-406," and substituting therefor the words "Form N-405."

**PART 329—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: VETERANS OF THE UNITED STATES ARMED FORCES WHO SERVED DURING WORLD WAR I OR WORLD WAR II**

Section 329.21 is amended to read as follows:

§ 329.21 *Procedural requirements.* A person of the class described in section 329 or 402 (e) of the act shall submit to the Service an application to file a petition for naturalization on Form N-400. The certification required by section 329 (b) (4) of the act to prove service shall be requested by the applicant on Form N-426, in triplicate, and submitted with Form N-400. The petition for naturalization shall be filed on Form N-405, in duplicate, in any naturalization court, regardless of the residence of the petitioner. There shall be inserted after averment 10 of Form N-405, at the time of filing thereof, an averment as follows:

I served honorably in an active duty status in \_\_\_\_\_, under Service No. \_\_\_\_\_ (Branch of service) \_\_\_\_\_ from \_\_\_\_\_, 19\_\_\_\_, to \_\_\_\_\_, 19\_\_\_\_, and was separated under honorable conditions on \_\_\_\_\_, 19\_\_\_\_. I entered such service at \_\_\_\_\_ (City) (State)

The petition shall be verified by at least two United States citizen witnesses as provided in § 334.21 of this chapter. The petitioner may be naturalized immediately, provided a certificate of examination on Form N-440, in duplicate, is attached to the petition as provided in § 332.12 of this chapter.

**PART 332—PRELIMINARY INVESTIGATION OF APPLICANTS FOR NATURALIZATION AND WITNESSES**

Section 332.14 is amended to read as follows:

§ 332.14 *Notice of proposed recommendation of denial; findings, conclusion, and recommendation.* In those cases in which the recommendation to the court is for denial of the petition, and no preliminary examination under Part 335 of this chapter is held, an officer of the Service shall, as soon as practicable after the preliminary investigation has been concluded, prepare a memorandum in behalf of the Service

## RULES AND REGULATIONS

in the manner described in § 335.12 of this chapter, and subject to review by the regional commissioner for presentation to the court at the final hearing. The petitioner shall be given written notice on Form N-425 advising him of the recommendation which will be made to the court and the specific reasons therefor. The notice and a copy of the memorandum shall be sent the petitioner by registered mail, return receipt requested, after review of the recommendation by the regional commissioner, if made, and at least thirty days prior to final hearing. The hearing before the court may be held less than thirty days after such notification if the petitioner agrees thereto.

## PART 332a—OFFICIAL FORMS

1. The list of forms in § 332a.2 *Official forms prescribed for use of clerks of naturalization courts* is amended by deleting the following:

N-406 Petition for Naturalization (of a married person, under section 319 (a) or (b), Immigration and Nationality Act).  
 N-418 Petition for Naturalization (active duty in the armed forces, under section 329 of the Immigration and Nationality Act).  
 N-450 Notice of Intention to Substitute Witnesses.

2. The references to Forms N-492 and N-493 in § 332a.2 are amended to read as follows:

Form	No.	Title and description
N-492		Recommendation of Regional Commissioner that Petitions be Granted (and Order of Court).
N-493		Recommendation of Regional Commissioner that Petitions be Denied (and Order of Court).

3. Section 332a.13 is amended to read as follows:

§ 332a.13 *Alteration of forms of petitions or applications for naturalization.* The official forms for petitions or applications for naturalization to the court shall be altered by the clerk of the court as follows:

(a) *Insertion of applicable acts or sections of acts.* Whenever the petition form is designed for use under more than one act or more than one section of an act, by inserting under the title of the form the applicable act or section.

(b) *Exemption from residence or physical presence in the United States or State.* Whenever residence or physical presence in the United States or State for any specified period is not required, by striking out the allegations relating thereto and the statements in the affidavits of witnesses as to the period of United States or State residence or physical presence.

(c) *Exemption from lawful admission for permanent residence.* Whenever lawful admission for permanent residence is not required, by striking out the allegations relating thereto.

(d) *Exemption from intention to reside permanently in the United States.* Whenever intention to reside permanently in the United States is not required, by striking out the allegations relating thereto.

(e) *Supplemental affidavits filed with petition for naturalization.* Whenever a supplemental affidavit is filed with the petition, by adding to allegation 18 on Form N-405 "and supplemental affidavit on Form N-\_\_\_\_\_".

(f) *Oath of allegiance.* Whenever the petitioner or applicant for naturalization is exempt from taking the oath of allegiance prescribed in Part 337 of this chapter in its entirety, by striking from the oath of allegiance the inapplicable clauses.

## PART 335—PRELIMINARY EXAMINATION ON PETITIONS FOR NATURALIZATION

Sections 335.12 and 335.13 are amended to read as follows:

§ 335.12 *Recommendations of the designated examiner and the regional commissioner; notice.* The designated examiner shall, as soon as practicable after conclusion of the preliminary examination, prepare an appropriate recommendation thereon for the court. If the designated examiner is of the opinion that the petition should be denied, or that the petition should be granted but the facts should be presented to the court, he shall prepare a memorandum containing a summary of the evidence adduced at the examination, findings of fact and conclusions of law, and his recommendation as to the final disposition of the petition by the court, and shall before final hearing, in those cases designated by the regional commissioner, submit the memorandum to him for his views and recommendation. No evidence dehors the record or evidence that would not be admissible in judicial proceedings under recognized rules of evidence shall be considered in the preparation of the memorandum. The regional commissioner shall return the designated examiner's memorandum, the record, and any memorandum prepared by the regional commissioner containing his own views and recommendation for presentation to the court.

§ 335.13 *Notice of recommendation of designated examiner—(a) Recommendation that petition be denied.* When the designated examiner proposes to recommend denial of the petition, the petitioner or his attorney or representative shall be notified thereof on Form N-425 and furnish a copy of the designated examiner's memorandum. The notice shall be sent by registered mail, with return receipt requested, after any review made by the regional commissioner and at least thirty days prior to final hearing. The petitioner shall inform the Service in writing within thirty days from the date of the notice whether he desires a hearing before the court.

(b) *Recommendation that petition be granted.* When the designated examiner proposes to recommend granting of the petition and to present the facts and issues to the court, the petitioner or his attorney or representative shall be notified of the recommendation and furnished a copy of the designated examiner's memorandum prior to the date of the hearing, and after any review made by the regional commissioner.

(c) *Disagreement between recommendations of designated examiner and the regional commissioner.* In those cases reviewed by the regional commissioner in which his views and recommendations do not agree with those of the designated examiner, the notice required by paragraphs (a) and (b) of this section shall also advise the petitioner of the recommendation of the regional commissioner and that both recommendations will be presented to the court. There shall also be enclosed with such notice a copy of the regional commissioner's memorandum.

## PART 335b—PROOF OF QUALIFICATIONS FOR NATURALIZATION: WITNESSES: DEPOSITIONS

The first and second sentences of § 335b.11 *Substitution of witnesses; procedure* are amended by deleting the words "on Form N-450".

## PART 336—PROCEEDINGS BEFORE NATURALIZATION COURT

1. The third and fourth sentences of § 336.11 *Notice to Service; personal representation of Government at naturalization proceedings* are amended to read as follows: "Final naturalization hearings or other naturalization proceedings, shall, whenever practicable, be attended personally by naturalization examiners or other members of the Service, who shall present to the court the views and recommendations of the designated examiner and the regional commissioner, as appropriate. In those cases in which the recommendation of the regional commissioner does not agree with that of the designated examiner, a member of the Service other than the person who conducted the preliminary examination shall, whenever practicable, represent the Service before the court."

2. The second sentence of paragraph (a) of § 336.13 *Preparation of lists and orders of court for presentation at final hearing* is amended to read as follows: "The regional commissioner's list on Form N-492 or Form N-493, as appropriate, shall be signed by the district director."

3. Section 336.14 is amended to read as follows:

§ 336.14 *Presentation of recommendations of designated examiner and the regional commissioner at final hearing.* At the final hearing or prior thereto, in addition to the lists prepared under § 336.13, there shall be presented to the court and made a part of the record in the case the memoranda of the designated examiner and the regional commissioner prepared pursuant to the provisions of Part 332 or Part 335 of this chapter.

## PART 450—FORMS

1. The list of forms in § 450.1 *Prescribed forms* is amended by deleting the following:

I-290E Notice to Alien of Decision and Order (Appealable to Board of Immigration Appeals).

I-290F Notice to Alien of Decision and Order (Appealable to Regional Commissioner).  
 I-318 Blanket Bond for Departure of Aliens in Continuous Transit Through the United States.  
 I-318A Blanket Bond for Departure of Aliens in Continuous Transit Through the United States.  
 I-320 Bond for Maintenance of Status and Departure of Aliens Admitted for Temporary Services, Labor, or Training.  
 I-325 Bond for Maintenance of Status and Departure of Attendants, Servants and Personal Employees of Officials.  
 I-336 Bond for Alien or Aliens in Transit.  
 I-337 Bond Conditioned for Departure of an Alien Temporarily Admitted as a Visitor for Business or Pleasure.  
 I-338 Bond That an Alien Admitted in Pursuance of a Treaty to Carry on Trade Shall Depart Upon Failure to Maintain Status.  
 I-374 Bond Conditioned for Departure of an Alien Temporarily Admitted Under the Immigration and Nationality Act as a Student.  
 N-406 Petition for Naturalization (of a married person, under sec. 319 (a) or (b), Immigration and Nationality Act).  
 N-418 Petition for Naturalization (active duty in the armed forces, under sec. 329 of the Immigration and Nationality Act).  
 N-429 Notice to Petitioner of Proposed Recommendation of Denial of Petition.  
 N-450 Notice of Intention to Substitute Witnesses.

2. The list of forms in § 450.1 is amended by adding the following in numerical sequence:

I-292 Notice of Denial.  
 I-377 Bond for Maintenance of Status and Departure of Nonimmigrant Alien or Aliens.

3. The list of forms in § 450.1 is amended by deleting I-419, I-419a, and I-419b and substituting therefor I-419a, I-419b, and I-419c to read as follows:

I-419a Record of Alien's Arrival and Departure.  
 I-419b Under Special Direct Transit.  
 I-419c Procedure.

4. The references to Forms N-492 and N-493 in § 450.1 are amended to read as follows:

Form No.	Title and description
N-492	Recommendation of Regional Commissioner that Petitions be Granted (and Order of Court).
N-493	Recommendation of Regional Commissioner that Petitions be Denied (and Order of Court).

**PART 481—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE IN ACCORDANCE WITH THE REFUGEE RELIEF ACT OF 1953**

Section 481.1 is amended to read as follows:

**§ 481.1 Submission of application: termination of status.** An application for adjustment of status under section 6 of the Refugee Relief Act of 1953, as amended (67 Stat. 403, 68 Stat. 1044; 50 U. S. C. App. 1971d), shall be submitted in accordance with the provisions of this chapter and that act on Form I-233. Any alien who files such an application

shall be deemed to have thereby abandoned his nonimmigrant status in the United States.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, other than those which relieve restrictions and are clearly advantageous to persons affected thereby and that which relates to an interpretative rule, relate to matters of agency management or procedure.

Dated: February 10, 1955.

J. M. SWING,  
Commissioner of  
Immigration and Naturalization.

[F. R. Doc. 55-1299; Filed, Feb. 15, 1955;  
8:46 a. m.]

**TITLE 17—COMMODITY AND SECURITIES EXCHANGES**

**Chapter II—Securities and Exchange Commission**

**PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934**

**DECLARING EFFECTIVE EXCHANGE DISTRIBUTION PLAN OF THE NEW YORK STOCK EXCHANGE**

The Securities and Exchange Commission has declared effective until the close of business on February 28, 1955, an amended Exchange Distribution Plan filed by the New York Stock Exchange.

This amended Plan is the same as the Exchange Distribution Plan previously declared effective until February 28, 1955, except that it now provides that purchasers of securities being distributed pursuant to such Plan need not be charged commissions in agency transactions and may be charged the equivalent of a commission in principal transactions. Heretofore, the Plan required purchasers to pay commissions in agency transactions and to be charged net prices in principal transactions.

The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof and § 240.10b-2 (d) (Rule X-10B-2 (d)) thereunder, deeming it necessary for the exercise of the functions vested in it, and having due regard for the public interest and for the protection of investors, does hereby declare effective the amended Exchange Distribution Plan of the New York Stock Exchange filed on January 6, 1955, until the close of business on February 28, 1955, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do the Commission may suspend or terminate the effectiveness of said Plan by

sending at least ten days' written notice to the New York Stock Exchange.

The Commission finds that the notice and public procedure specified in sections 4 (a) and (b) of the Administrative Procedure Act are unnecessary since the amended Exchange Distribution Plan of the New York Stock Exchange is substantially the same as the Plan heretofore in effect for that Exchange and is similar to the Exchange Distribution Plan heretofore declared effective for the Midwest Stock Exchange. The Commission further finds, in accordance with the provisions of section 4 (c) of the Administrative Procedure Act, that paragraph (d) of § 240.10b-2 (Rule X-10B-2) and this action have the effect of granting exemption and relieving restriction, and that, therefore, this action may be and is hereby declared effective on February 7, 1955.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DU BOIS,  
Secretary.

FEBRUARY 7, 1955.

[F. R. Doc. 55-1302; Filed, Feb. 15, 1955;  
8:47 a. m.]

**TITLE 43—PUBLIC LANDS: INTERIOR**

**Chapter I—Bureau of Land Management, Department of the Interior**

Appendix C—Public Land Orders  
[Public Land Order 1066]

ALASKA

**RESERVING LANDS FOR USE OF THE ALASKA RAILROAD**

By virtue of the authority contained in section 1 of the act of March 12, 1914 (38 Stat. 305, 307; 48 U. S. C. 303, 307) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from sale or other disposal and reserved for the use of the Alaska Railroad, Department of the Interior, for railroad purposes:

**ANCHORAGE TOWNSITE**

Block 4, N½, as shown on plat of survey of Anchorage Townsite with South, East and Third Additions thereto, approved October 1, 1917.

ORME LEWIS,  
Assistant Secretary of the Interior.

FEBRUARY 9, 1955.

[F. R. Doc. 55-1295; Filed, Feb. 15, 1955;  
8:45 a. m.]

[Public Land Order 1067]

WASHINGTON

**RESERVING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE AIR FORCE FOR AVIATION PURPOSES. REVOKING PUBLIC LAND ORDER NO. 131 OF MAY 29, 1943**

By virtue of the authority vested in the President and pursuant to Executive

## RULES AND REGULATIONS

Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Air Force:

## WILLAMETTE MERIDIAN

T. 19 N., R. 28 E.,  
Sec. 4, Lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ .  
T. 20 N., R. 28 E.,  
Sec. 28;  
Sec. 30, Lots 3 and 4, NE $\frac{1}{4}$  and E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 32, N $\frac{1}{2}$ NW $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

The areas described aggregate 1,319.57 acres.

Public Land Order No. 131 of May 29, 1943, reserving portions of the lands for use of the War Department is hereby revoked.

ORME LEWIS,  
Assistant Secretary of the Interior.

FEBRUARY 9, 1955.

[F. R. Doc. 55-1296; Filed, Feb. 15, 1955;  
8:45 a. m.]

[Public Land Order 1068]

## WASHINGTON

REVOKING EXECUTIVES ORDERS NO. 8072 OF MARCH 21, 1939 AND NO. 8518 OF AUGUST 16, 1940

By virtue of the authority vested in the President by Section 1 of the act of June 25, 1910, Ch. 421 (36 Stat. 847; 43 U. S. C. 141) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 8072 of March 21, 1939, withdrawing the following-described lands for use of the Navy Department for naval aviation purposes is hereby revoked:

## WILLAMETTE MERIDIAN

T. 31 N., R. 4 W.,  
Sec. 22, lot 1;  
Sec. 23, lots 1, 2 and 3;  
Sec. 27, lots 5, 6 and 7.

The tracts described contain 45 acres.

Harbor Rock, approximate latitude 48° 28' 12" N., longitude 122° 58' 10" W., as shown on Coast and Geodetic Survey chart No. 6380, unsurveyed, in SW $\frac{1}{4}$  sec. 5, T. 34 N., R. 2 W., estimated to contain 0.05 acre.

North Pacific Rock, approximate latitude 48° 28' 17" N., longitude 122° 59' 40" W., as shown on Coast and Geodetic Survey chart No. 6380, unsurveyed, in NE $\frac{1}{4}$  sec. 1, T. 34 N., R. 3 W., estimated to contain 0.05 acre.

2. Executive Order No. 8518 of August 16, 1940, modifying Executive Order No. 2123 of January 20, 1915, so as to permit the Navy Department to have primary jurisdiction over the following-described lands for naval purposes, which lands were reserved as a refuge, preserve and breeding ground for native birds, known as Dungeness Spit Reservation, is hereby revoked:

## WILLAMETTE MERIDIAN

T. 31 N., R. 4 W.,  
Sec. 13, lots 1, 2, 3 and 4;  
Sec. 14, lot 1;  
Sec. 24, lots 1, 2, 3, 4 and 5;

Sec. 25, lot 5;  
Sec. 26, lot 3.

The areas described aggregate 147.50 acres.

The public lands affected by this order are included within a withdrawal for the Dungeness National Wildlife Refuge, established as the Dungeness Spit Reservation by Executive Order No. 2123 of January 20, 1915, and are not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting a preference right of application to veterans and others.

ORME LEWIS,  
Assistant Secretary of the Interior.

FEBRUARY 9, 1955.

[F. R. Doc. 55-1297; Filed, Feb. 15, 1955;  
8:45 a. m.]

## TITLE 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 10798; FCC 55-157]

[Rules Amdts. 2-33, 10-6, 11-10, 16-13]

## PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS

## PART 10—PUBLIC SAFETY RADIO SERVICES

## PART 11—INDUSTRIAL RADIO SERVICES

## PART 16—LAND TRANSPORTATION RADIO SERVICES

## PART 18—INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICE

## MISCELLANEOUS AMENDMENTS; POSTPONEMENT OF EFFECTIVE DATE WITH ONE EXCEPTION

In the matter of amendment of Part 2 of the Commission's rules to establish a program for the certification of equipment acceptable for licensing; amendment of Parts 10, 11, and 16 of the Commission's rules to require type acceptance of equipment; amendment of Part 18 of the Commission's rules to clarify the procedure for the withdrawal of type approval.

1. On January 7, 1955, the Commission released a Report and Order in the above-entitled matter, adopting rules for type acceptance and type approval of equipment, to become effective February 15, 1955.

2. The Commission has under consideration petitions filed in the above-entitled matter by the following parties: Collins Radio Company, Allen B. DuMont Laboratories, Inc., General Electric Company, Motorola, Inc., and the Radio-Electronics-Television Manufacturers Association (RETMA).

3. All of the foregoing petitioners request that the effective date of the rules in the above-entitled matter be postponed. Collins requests an indefinite postponement pending oral argument and establishment of additional technical standards for performance and measurements. DuMont requests a postponement until August 15, 1955. General Electric and Motorola request a 60 day postponement. The Radio-Electronics-Television Manufacturers Association (RETMA) requests a 90 day postponement. Upon consideration of the comments submitted, it appears that a postponement of the effective date of the rules except § 18.16 for a period of 90 days, until May 16, 1955, is warranted.

4. In general, the petitioners request that the Commission consult with representatives of the equipment manufacturing industry and users of equipment in an effort to evolve a more workable type acceptance and type approval procedure than is provided for in the instant docket. The petitioners contend that the instant rules fail to provide adequate standards for measurement techniques and for equipment performance and that the requirements with regard to changes in type accepted and type approved equipment would cause costly and unnecessary delays in production of equipment, pending Commission approval of such changes. The petitioners present no objections to the type acceptance and type approval program itself; their comments are directed to certain features which they find objectionable and which, they indicate, may be improved.

5. More specifically, DuMont, Motorola and RETMA recommend the formation of a committee composed of representatives of the manufacturing industry, equipment users and Commission personnel to arrive at agreement on revised technical and procedural requirements which would be more satisfactory to all concerned. Collins recommends the Commission consult with industry representatives and General Electric recommends informal meetings including manufacturer and user groups and Commission personnel with a view to improving the rules in the instant docket. It appears that a committee comprising representatives of manufacturers and users of equipment subject to the instant rules might be able to suggest sound and constructive changes in these rules. The Commission desires to encourage manufacturers and users to form a committee for this purpose and, if such committee is formed, will designate Commission personnel to attend its meetings as observers. We would like to stress that we expect a resolution of these problems within the 90 days extension granted herein.

6. One of the basic contentions of the petitioners is that the existing rules and the instant docket do not provide detailed standard measurement techniques, and that such standard measurement techniques are necessary to the implementation of the type acceptance and type approval procedures. This matter has been previously considered by the Commission and is discussed in the Report and Order in the instant docket. Therein, the Commission encouraged professional groups of the radio industry to develop suitable measurement techniques as needed but found that standardized measurement techniques were not essential to inauguration of the type acceptance and type approval program. It is possible that the proposed committee mentioned in the preceding paragraph may wish to recommend some particular measurement techniques and the Commission will consider such recommendations. It does not now appear that fur-

ther postponement of the effective date of the rules in this matter will be made to await the inclusion of standardized measurement techniques.

7. Collins requests that the Commission hold oral argument in the above-entitled matter. General Electric, Motorola and RETMA request oral argument, in the alternative, if their requests for postponement of the effective date of the instant rules is denied. The Commission is granting a 90 day postponement of the effective date of these rules except § 18.16. In view of the committee activity which is contemplated, it is clear that oral argument at this time would serve no useful purpose. Accordingly, the request of Collins for oral argument is denied.

8. It appears that the amendment of § 18.16 contained in Appendix E of the Report and Order in the instant docket is not related to the comments submitted by the petitioners. It further appears that the request of Collins for postponement of the effective date, insofar as Appendix E is concerned, is not supported by any relevant comments. Accordingly, the effective date of the amendment of § 18.16 will not be postponed.

9. In view of the foregoing considerations: *It is ordered*, (1) That the amendment of § 18.16 in these proceedings become effective February 15, 1955, as previously scheduled. (2) that the amendment of Parts 2, 10, 11 and 16 in these proceedings be postponed so as to become effective May 16, 1955, and (3) the dates shown in §§ 2.541, 10.109 (a), 11.109 (a) and 16.109 (a) are changed from February 15, 1955, to May 16, 1955.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303; 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Adopted: February 10, 1955.

Released: February 11, 1955.

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

[F. R. Doc. 55-1329; Filed, Feb. 15, 1955;  
8:55 a. m.]

[Rules Amdt. 3-37]

PART 3—RADIO BROADCAST SERVICES  
NORMAL LICENSE PERIODS FOR AM AND FM  
STATIONS

The Commission has under consideration the desirability of making certain editorial changes in Part 3 of its rules and regulations.

Sections 3.34 and 3.218 of the Commission's rules and regulations set forth the normal license periods for AM and FM stations and provide for the expiration of licenses over a three-year period on a geographical basis. Prior to 1951 licenses expired on a frequency basis. A transition period during which it was not necessary to file a formal application for renewal of license in certain instances was provided for in footnotes to each of the above sections.

All licenses now expire in accordance with the schedule set forth in §§ 3.34 and

3.218 and therefore as there is no longer any need for the transition period, the provisions of the footnotes are being deleted.

The amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately.

The amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 of the Commission's rules and regulations.

*It is ordered*, That, effective immediately, §§ 3.34 and 3.218 of the Commission's rules and regulations are amended by the deletion of the footnote from each section.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 47 Stat. 1082, as amended, sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Adopted: February 10, 1955.

Released: February 11, 1955.

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

[F. R. Doc. 55-1330; Filed, Feb. 15, 1955;  
8:55 a. m.]

[Docket No. 11234; FCC 55-149]

[Rules Amdts. 7-13, 8-18]

PART 7—STATIONS ON LAND IN THE  
MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE  
MARITIME SERVICES

USE BY LIMITED COAST STATIONS AND SHIP  
STATIONS OF FREQUENCIES BELOW 3000 KC  
FOR BUSINESS AND OPERATIONAL PURPOSES  
OF COMMERCIAL TRANSPORT OR GOVERN-  
MENT VESSELS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of February 1955:

The Commission having under consideration its proposal to (a) amend the rules to make clear that the frequencies 2738, 2830 and 2214 kc, which are available under certain exceptional conditions for assignment for communication between limited coast stations and commercial transport and government vessels, will not be assigned if the desired communications may be supplied through the use of public coast station facilities; (b) simplify present rule provisions in order to facilitate licensing procedures in connection with the assignment of these frequencies; (c) editorially revise rule provisions concerning the availability and use of these frequencies;

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making which made provision for the submission of written comments by interested parties was duly published in the FEDERAL REGISTER on

December 21, 1954 (19 F. R. 8755), and that the period provided for the filing of comments has now expired; and

It further appearing that the Central Committee on Radio Facilities of the American Petroleum Institute and the Southern California Marine Radio Council both filed comments in support of the Commission's proposal and no other comments were received; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in sections 303 (c) (f) (r) and 308 (b) of the Communications Act of 1934, as amended:

*It is ordered*, That, effective March 16, 1955, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 303, 308, 48 Stat. 1082, 1085; 47 U. S. C. 303, 308)

Released: February 10, 1955.

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

1. Section 7.365 is amended to read as follows:

§ 7.365 Frequencies below 3000 kc for business, operational and safety purposes. As an exceptional matter, the frequencies 2738 kc, 2830 kc and 2214 kc are available for assignment on a shared basis to limited coast stations for transmission and reception on the same radio-channel by telephony (amplitude modulation) with ship stations solely when such communication is necessary to serve an important business or operational need of one or more commercial transport vessels or government vessels. For this purpose, these frequencies may not be assigned and may not be used in any instance in which:

(a) The desired radio communication is primarily over distances for which frequencies above 30 Mc would be suitable.

(b) The facilities of public coast stations may provide the desired radio communication.

(c) Harmful interference would be caused to the service of any United States Government station by the use of the frequency 2214 kc.

(d) Harmful interference would be caused to the intership use of the frequencies 2738 kc and 2830 kc as prescribed in § 8.358 of this chapter.

(e) The plate input power exceeds the plate input power used by ship stations for intership communication as prescribed by § 8.134 (c) of this chapter.

NOTE: For this purpose the frequencies 2738 kc and 2830 kc may be assigned only in those areas where they are available for intership use.

2. Section 8.362 is amended as follows:  
a. Delete paragraphs (a), (b) and (c) and substitute a new paragraph (a) to read as follows:

§ 8.362 Frequencies below 3000 kc for business, operational and safety purposes. (a) The frequencies 2738 kc, 2830 kc and 2214 kc may be utilized on a shared basis with other ship stations for business and operational commun-

## RULES AND REGULATIONS

cation with limited coast stations if the limited coast station, in accordance with the applicable provisions of § 7.365 of this chapter, has been specifically authorized to engage in such communication: *Provided*, That:

(1) With respect to the frequency 2214 kc, specific authorization for such use must be obtained, in which event intership use of the frequency between such ship stations is also authorized.

(2) Use of any of these frequencies will be subject to the same conditions under which they are authorized to be used by limited coast stations under the provisions of § 7.365 of this chapter.

b. Insert the word "Reserved" after (b) and (c) of § 8.362.

[F. R. Doc. 55-1331; Filed, Feb. 15, 1955; 8:56 a. m.]

[Docket No. 11222; FCC 55-147]

[Rules Amdt. 9-10]

#### PART 9—AVIATION SERVICES

##### CIVIL AIR PATROL STATIONS; FREQUENCIES AVAILABLE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of February, 1955;

The Commission having under consideration its proposal in the above entitled matter; and

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties, was duly published in the *FEDERAL REGISTER* on December 2, 1954 (19 F. R. 7973), and that the period for the filing of comments has now expired; and

It further appearing that a request by the National Headquarters, Civil Air Patrol (C. A. P.) to delete Kentucky and Mississippi from the list of States in which C. A. P. stations are authorized to operate on the frequency 4467.5 kc is reasonable inasmuch as this proposal would limit operations on the frequency 4467.5 kc to States which are within the Middle East and Southeast Regions of the Civil Air Patrol; and

It further appearing that comments submitted by the Mackay Radio and Telegraph Co. Inc. indicated that it was believed that the proposed CAP use of

4467.5 kc would not cause harmful interference to existing Mackay operations on the frequency 4462.5 kc at San Francisco, California, and at Honolulu, T. H.; and

It further appearing that the proposed amendment of § 9.912 (c) is issued pursuant to the authority of sections 4 (i), 303 (c), (f) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conference, Atlantic City (1947) and the Agreement concluded at the EARC (Geneva 1951):

*It is ordered*, That, effective March 21, 1955, Part 9 of the Commission's rules governing Aviation Services is amended as shown below.

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

Released: February 10, 1955.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

Section 9.912 (c) is amended to read as follows:

(c) 4467.5 kc., A-1, A-2, A-3 emission, 400 watts maximum power, limited to stations in the southeast area of the United States, comprised of the District of Columbia and the following States:

Florida, Alabama, Georgia, South Carolina, North Carolina, Tennessee, Virginia, West Virginia, Maryland, Delaware.

[F. R. Doc. 55-1332; Filed, Feb. 15, 1955; 8:56 a. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

##### FORM PRESCRIBED FOR SMALL STEAM RAILWAYS AND SWITCHING AND TERMINAL COMPANIES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 4th day of February A. D. 1955.

The matter of Annual Reports from Steam Railway Companies and Switching and Terminal Companies of Class III being under consideration, and it appearing that the changes in existing

regulations to be effectuated by this order are only minor changes with respect to the data to be furnished, and that public rule-making procedures are unnecessary:

*It is ordered*, That the order of November 18, 1953, In the Matter of Annual Reports from Steam Railway Companies, and Switching and Terminal Companies, of Class III (49 CFR 120.12) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1954, and subsequent years, as follows:

**§ 120.12 Form prescribed for small steam railways and switching and terminal companies.** All steam railway companies and switching and terminal companies of Class III subject to the provisions of section 20, Part I of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1954, and for each succeeding year until further ordered, in accordance with Annual Report Form C (Small Steam Roads and Switching and Terminal Companies) which is hereby approved and made a part of this section.<sup>1</sup> The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the one to which it relates. (Sec. 20, 24 Stat. 386, as amended, 49 U. S. C. 20)

NOTE: Budget Bureau No. 60-RO 99.11.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,  
Secretary.

[F. R. Doc. 55-1315; Filed, Feb. 15, 1955; 8:51 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

#### PART 17—LIST OF AREAS

##### NATIONAL WILDLIFE REFUGES

**EDITORIAL NOTE:** For order affecting the tabulation in § 17.3, see Public Land Order 1068 in Appendix C to Title 43, Chapter I, *supra*, revoking Executive Order No. 8518 of August 16, 1940, which modifies Executive Order No. 2123 of January 20, 1915, which established the Dungeness National Wildlife Refuge.

<sup>1</sup> Filed as part of the original document.

## PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## [26 CFR (1954) Part 252]

## DRAWBACK ON LIQUORS EXPORTED

## NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 15 days from the date of publication of this notice in the *FEDERAL REGISTER*. The proposed regulations are to be issued under authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,  
Acting Commissioner  
of Internal Revenue.

*Preamble:* 1. The regulations in this part shall supersede Regulations 28, 1940 edition (26 CFR (1939) Part 176).

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

## Subpart A—Scope of Regulations

Sec. 252.1 Drawback on distilled spirits, wines, beer and alcohol.  
252.2 Forms prescribed.  
252.3 Supplies upon certain vessels or aircraft.  
252.4 Reciprocating foreign countries.

## Subpart B—Definitions

252.10 Meaning of terms.  
252.11 Alcohol.  
252.12 Assistant regional commissioner.  
252.13 Beer.  
252.14 Collector of customs.  
252.15 Commissioner.  
252.16 Director, Alcohol and Tobacco Tax Division.  
252.17 Distilled spirits or spirits.  
252.18 Exportation.  
252.19 Include and including.  
252.20 Inclusive language.  
252.21 I. R. C.  
252.22 Package.  
252.23 Person or proprietor.  
252.24 Rectifier.  
252.25 Rectifying plant.  
252.26 Region.  
252.27 Regional Commissioner.  
252.28 Tax.  
252.29 Taxpaid bottling house.  
252.30 Taxpaid wine bottling house.  
252.31 U. S. C.  
252.32 Wines.

Subpart C—Provisions Relating to Distilled Spirits and Wines Bottled or Packaged Especially for Export With Benefit of Drawback	Sec.	
DRAWBACK AUTHORIZED	252.77	Approval of Form 230.
Sec. 252.40 Allowance upon exportation.	252.78	Bottling or packaging procedure.
DRAWBACK BOND	252.79	Deposit in export storage room.
252.41 General.	252.80	Disposition of Form 230.
252.42 Filing of bond.	252.81	Destruction of marks on wine containers.
252.43 Bond prerequisite to claim allowance.		RECORD OF DISTILLED SPIRITS AND WINES BOTTLED OR PACKAGED ESPECIALLY FOR EXPORT
252.44 Bond procedure.	252.82	Record of rectifiers and proprietors of taxpaid bottling houses.
252.45 Penal sum.	252.83	Records of proprietors of taxpaid wine bottling houses.
252.46 Authority to approve bonds.	252.84	Semiannual inventory by proprietors of taxpaid wine bottling houses.
252.47 Bond to support claims.		TRANSFER AND STORAGE PENDING EXPORTATION
ACCOUNT WITH DRAWBACK BOND		
252.48 Account with bond.	252.85	Establishment of export storage room at port of exportation.
PERSONS AUTHORIZED TO BOTTLE OR PACKAGE DISTILLED SPIRITS AND WINES ESPECIALLY FOR EXPORT	252.86	Application for transfer, Form 1656.
252.49 Distilled spirits and wines.	252.87	Approval by assistant regional commissioner.
252.50 Wines.	252.88	Transfer from export storage room at taxpaid bottling house or rectifying plant.
EVIDENCE OF TAXPAYMENT OF IMPORTED SPIRITS AND WINES		Transfer from export storage room at taxpaid wine bottling house.
252.51 Customs certification on Form 1583.	252.89	
252.52 Application for certificate.		FILING OF NOTICE, AND REMOVAL
252.53 Certificate required before approval of claim or transfer application, Form 1656.	252.90	Distilled spirits and wines exported, deposited in foreign-trade zones, or to be used as supplies on vessels.
GAUGING	252.91	Packages of distilled spirits and wines to be gauged.
252.54 Gauging of spirits and wines.	252.92	Distilled spirits and wines to be used as supplies on aircraft.
STRIP STAMPS	252.93	Removal from export storage room.
252.55 Strip stamps not required.	252.94	Export marks.
CAPACITY AND USE OF BOTTLES	252.95	Certificate of removal.
252.56 Distilled spirits.	252.96	Claim and entry.
252.57 Wines.		SHIPMENT OR DELIVERY FOR EXPORT
LABELS		
252.58 Labeling of distilled spirits.	252.97	Consignment.
252.59 Labeling of wines.	252.98	Direct delivery for customs inspection.
CASES	252.99	Shipment for exportation by vessel.
252.60 Construction of cases.	252.100	Receipt covering supplies on vessels or aircraft.
REQUIRED MARKS ON CASES AND PACKAGES	252.101	Exportation through border port.
252.61 Cases filled at rectifying plants and taxpaid bottling houses.	252.102	Exporter's agent.
252.62 Cases filled by proprietors of taxpaid wine bottling houses.		PROCEDURE AT PORT OF EXPORT
252.63 Packages of distilled spirits.	252.103	General.
252.64 Packages of wines.	252.104	Distilled spirits in stamped packages.
STAMPS ON PACKAGES	252.105	Exportation in sealed conveyances, from port of entry through another port.
252.65 Packages of distilled spirits to be stamped.	252.106	Supervision by storekeeper-gauger of lading at an interior port.
252.66 Issuance of wholesale liquor dealer's stamps.	252.107	Distilled spirits or wines for use as supplies on aircraft.
252.67 Affixing and canceling of stamps.	252.108	Certificate of use for distilled spirits or wines used as supplies on aircraft.
RECTIFICATION, BOTTLING AND PACKAGING AT RECTIFYING PLANTS AND TAXPAID BOTTLING HOUSES	252.109	Certification of non-inspection.
252.68 Other regulations applicable.	252.110	Shipment to the Armed Services, certificate of lading.
RECORDS COVERING PRIOR RECTIFICATION BOTTLING OR PACKAGING	252.111	Clearance certificate.
252.69 Records of prior rectification, bottling or packaging.		DISPOSITION OF CLAIMS
252.70 Distilled spirits or wines in bottles.	252.112	Allowance of claim.
252.71 Bottling and packaging procedure.	252.113	Allowance in cases of non-inspection.
252.72 Reduction in proof of spirits.		PROOF OF EXPORTATION, ETC.
252.73 Packaging from original container.	252.114	Evidence of exportation.
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**AUTHORITY:** §§ 252.1 to 252.184 issued under authority of 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply 46 Stat. 690 as

amended, 693 as amended, 68A Stat. 605, 613, 614; 19 U. S. C. 1309, 1313; 26 U. S. C. 5012, 5056, 5062. Other statutory provisions cited to text in parentheses.

**SUBPART A—SCOPE OF REGULATIONS**

§ 252.1 *Drawback on distilled spirits, wines, beer and alcohol.* The regulations in this part relate to the allowance of drawback of internal revenue tax on (a) distilled spirits and wines packaged, or bottled, especially for export, and beer brewed and manufactured in the United States, when exported or used as supplies on vessels or aircraft, (b) distilled spirits exported in distiller's original packages containing not less than 20 wine gallons each, and (c) domestic alcohol used in the manufacture or production of flavoring extracts, and medicinal or toilet preparations (including perfumery), upon the exportation of such products. Regulations relating to drawback of tax on such articles deposited in foreign trade zones are contained in Part 253 of this title.

§ 252.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all internal revenue forms required by this part, including bonds, applications, notices, reports, returns, and records. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

§ 252.3 *Supplies upon certain vessels or aircraft.* Distilled spirits and wines, bottled or packaged especially for export with benefit of drawback in accordance with this part, and beer, shall be considered to be exported for the purpose of drawback of taxes, when laden as supplies on vessels and aircraft as follows:

(a) Vessels or aircraft operated by the United States;

(b) Vessels of the United States employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(c) Aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions;

(d) Vessels of war of any foreign nation;

(e) Foreign vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign vessels is permitted; or

(f) Aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where trade by foreign aircraft is permitted, and where the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found such foreign country allows, or will allow, substantially reciprocal privileges in respect to aircraft registered in the United States.

§ 252.4 *Reciprocating foreign countries.* The Director, Alcohol and Tobacco Tax Division, will advise assistant regional commissioners concerning those foreign countries which will allow, to

aircraft registered in the United States and engaged in foreign trade, privileges substantially reciprocal to the privileges allowed herein to aircraft of a foreign country. Assistant regional commissioners shall not allow claims for drawback on distilled spirits, wines, or beer, laden for use as supplies on aircraft of any other foreign country, which it is claimed reciprocates similar privileges to aircraft of the United States, unless it shall be established that such country does reciprocate similar privileges to aircraft of the United States. In such cases, the applicant should request the Secretary of Commerce to find and advise the Secretary of the Treasury that such foreign country or countries allow, or will allow, substantially reciprocal privileges to aircraft of the United States.

**SUBPART B—DEFINITIONS**

§ 252.10 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 252.11 *Alcohol.* "Alcohol" shall mean that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or process produced, having a proof of 160 degree or more, but does not include the substances commonly known as whisky, brandy, rum, vodka, or gin, or other spirits produced at registered distilleries or fruit distilleries operated under Parts 220 and 221 of this title.

§ 252.12 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the assistant regional commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, the regional commissioner.

§ 252.13 *Beer.* "Beer" shall mean beer, ale, porter, stout and other similar fermented beverages (including sake or similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

§ 252.14 *Collector of customs.* "Collector of customs" shall mean the person having charge of a customs collection district.

§ 252.15 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 252.16 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 252.17 *Distilled spirits or spirits.* "Distilled spirits" or "spirits" shall mean all the substances produced by the distillation of fermented grain, molasses, fruit or other materials, commonly known as spirits, whisky, rum, gin, brandy, alcohol, vodka, etc., and shall include rectified spirits, cordials, liqueurs and similar compounds, and other rectified products prepared with distilled spirits and wines, except where otherwise indicated.

§ 252.18 *Exportation.* "Exportation" shall mean a severance of goods from the mass of things belonging to the United States with the intention of uniting them to the mass of things belonging to some foreign country. The export character of any shipment will be determined by the intention with which it is made, and it assumes an export character only when destined for use in a foreign country. For the purposes of this part, shipments to Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Panama Canal Zone shall be treated as exportations. Shipments to Alaska, Hawaii, Kingman's Reef, the Midway Islands, or Wake Island are not exportations within the meaning of this part.

§ 252.19 *Include and including.* The words "include" and "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 252.20 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine, a trust, estate, association, partnership, company or corporation.

§ 252.21 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 252.22 *Package.* "Package" shall mean any cask, barrel, drum or other similar container, containing 5 wine gallons or more.

§ 252.23 *Person or proprietor.* "Person" or "proprietor" shall include natural persons, trusts, estates, associations, partnerships, companies, and corporations.

§ 252.24 *Rectifier.* "Rectifier" shall mean the proprietor of a rectifying plant.

§ 252.25 *Rectifying plant.* "Rectifying plant" shall mean a rectifying plant qualified and operated under the provisions of Part 235 of this title.

§ 252.26 *Region.* "Region" shall mean an internal revenue region.

§ 252.27 *Regional Commissioner.* "Regional Commissioner" shall mean the Regional Commissioner of Internal Revenue in each of the internal revenue regions.

§ 252.28 *Tax.* "Tax" or "internal revenue tax," for which drawback may be allowed, is the distilled spirits tax, the rectification tax, the beer tax, or the applicable wine tax imposed by the internal revenue laws.

§ 252.29 *Taxpaid bottling house.* "Taxpaid bottling house" shall mean a taxpaid bottling house qualified and operated under the provisions of Part 230 of this title.

§ 252.30 *Taxpaid wine bottling house.* "Taxpaid wine bottling house" shall mean a taxpaid wine bottling house qualified and operated under the provisions of Part 231 of this title.

§ 252.31 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 252.32 *Wines.* "Wines" shall mean all kinds of still wine (including special

natural wine), sparkling wine, and artificially carbonated wine.

**SUBPART C—PROVISIONS RELATING TO DISTILLED SPIRITS AND WINES BOTTLED OR PACKAGED ESPECIALLY FOR EXPORT WITH BENEFIT OF DRAWBACK**

**DRAWBACK AUTHORIZED**

§ 252.40 *Allowance upon exportation.* Upon the exportation of distilled spirits or wines manufactured or produced in the United States, on which an internal revenue tax has been paid, which are bottled or packaged especially for export, in accordance with the provisions of this subpart, there shall be allowed a drawback equal in amount to the tax found to have been paid thereon. Such drawback, in the case of rectified spirits mixed with wines shall include the distilled spirits excise tax, the rectification tax or the cordial tax (as the case may be), and the wine tax.

**DRAWBACK BOND**

§ 252.41 *General.* Whenever, as to any shipment, a certificate of foreign landing, as provided by § 252.114, is required by the assistant regional commissioner or an affidavit as to lading and intended use is required under the provisions of § 252.115, and the exporter desires drawback on the shipment of distilled spirits or wines under the provisions of this subpart prior to submission of such certificate or affidavit to the assistant regional commissioner, he shall file bond in accordance with the provisions of this subpart.

§ 252.42 *Filing of bond.* Where a drawback bond is required under the provisions of this subpart relating to distilled spirits or wines bottled or packaged especially for export with benefit of drawback, the exporter shall file with the assistant regional commissioner such bond on Form 1581, in triplicate, for distilled spirits, or on Form 1581-A, in triplicate, for wines. The bond must be furnished with acceptable corporate surety or secured by the deposit of proper collateral (see Department Circular 154, 31 CFR Part 225). A separate bond must be filed in each internal revenue region in which is located an export storage room from which withdrawals are made by the exporter.

§ 252.43 *Bond prerequisite to claim allowance.* Where a bond is required under the provisions of this subpart, no claim for allowance of drawback on distilled spirits or wines bottled or packaged especially for export, and exported or laden as supplies on vessels will be approved until the claimant has furnished the required bond, evidence satisfactory to the assistant regional commissioner of exportation, affidavit of lading and intended use as supplies on vessels, or proof of loss at sea.

§ 252.44 *Bond procedure.* Drawback bonds, Form 1581, and Form 1581-A, shall be executed, filed, approved, disapproved, superseded, strengthened, and terminated in accordance with the procedure prescribed by Part 235 of this title in respect to bonds required therein, in so far as such procedure is not inconsistent with the regulations in this part.

§ 252.45 *Penal sum.* The penal sum of the bond must be sufficient to cover the amount of drawback which will at any time constitute a charge against the bond: *Provided*, That such bond shall be furnished in multiples of \$100 and shall in no case be in a less penal sum than \$500. The liability under such bond shall be a continuing one, subject to increase as successive claims for drawback are allowed by the assistant regional commissioner, and to decrease as satisfactory evidence of exportation, lading for use on vessels, or of loss after shipment without negligence on the part of the exporter, as hereinafter provided, is received by the assistant regional commissioner. When the limit of liability under any such bond is reached, no further claims for drawback may be allowed thereunder unless the penal sum is increased sufficiently to cover the additional liability by filing a strengthening or a superseding bond in a sufficient penal sum.

§ 252.46 *Authority to approve bonds.* Assistant regional commissioners are authorized to approve all bonds and consents of surety required by this subpart. When a bond is approved, one copy will be returned to the principal.

§ 252.47 *Bond to support claims.* Drawback claims may be allowed from time to time under the bond as long as it remains good and sufficient, or until it shall have been released or terminated by the assistant regional commissioner.

**ACCOUNT WITH DRAWBACK BOND**

§ 252.48 *Account with bond.* The assistant regional commissioner will keep an account with each drawback bond, Form 1581, or Form 1581-A, in which the principal will be charged with the full amount in which each drawback claim, for which bond is required, is allowed. Credit will be given for the amount of drawback represented by the distilled spirits or wines concerning which satisfactory evidence of exportation, or of lading for use as supplies on vessels, or of loss outside the jurisdiction of the United States without negligence on the part of the exporter, as hereinafter provided, has been received.

**PERSONS AUTHORIZED TO BOTTLE OR PACKAGE DISTILLED SPIRITS AND WINES ESPECIALLY FOR EXPORT**

§ 252.49 *Distilled spirits and wines.* Persons who have qualified either as rectifiers or proprietors of taxpaid bottling houses under internal revenue laws and regulations, and have established export storage rooms at the bottling or packaging premises in conformity with, respectively, the provisions of Parts 235 or 230 of this title, may bottle or package, especially for export with benefit of drawback, distilled spirits or wines or both, manufactured or produced in the United States on which an internal revenue tax has been paid.

§ 252.50 *Wines.* Any person qualified as a proprietor of a taxpaid wine bottling house, who has established an export storage room at the taxpaid wine bottling house, in conformity with the provisions of Part 231 of this title, may bottle or package, especially for export with benefit of drawback, at his taxpaid wine

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bottling house, wines manufactured or produced in the United States on which an internal revenue tax has been paid: *Provided*, That prior to or at the time of filing the first notice of intention to dump wine for bottling or packaging especially for export with benefit of drawback, the proprietor shall give notice to the assistant regional commissioner of the location and construction of the export storage room.

## EVIDENCE OF TAXPAYMENT OF IMPORTED SPIRITS AND WINES

§ 252.51 *Customs certification on Form 1583.* Where spirits or wines manufactured (rectified) in the United States from imported spirits or wines are bottled or packaged especially for export with benefit of drawback, the collector of customs at the port where the entry or withdrawal for consumption was made shall, upon application in writing by the rectifier, execute a certificate on Form 1583, in duplicate, showing that internal revenue tax has been collected on the imported spirits or wines described in the application. The original of the certificate shall be forwarded by the collector of customs to the assistant regional commissioner of the region in which the spirits were rectified. The remaining copy shall be retained by the collector of customs. Such certificates shall be serially numbered, beginning with number 1 for each customs district.

§ 252.52 *Application for certificate.* The rectifier must set forth in his application for the issuance of the certificate sufficient information to enable the collector of customs to identify the importation, such as the port of entry, the entry number, name of importing vessel or other carrier, date of importation, name of importer, marks and numbers of packages, and a description of the spirits or wines.

§ 252.53 *Certificate required before approval of claim or transfer application, Form 1656.* The assistant regional commissioner will not approve a claim for drawback, or an application on Form 1656, when the spirits or wines covered thereby are manufactured from imported spirits or wines, until the Form 1583 has been received.

§ 252.54 *Gauging of spirits and wines.* The provisions of Parts 230 and 235 of this title in regard to the gauging of distilled spirits and wines bottled or packaged for domestic purposes, including the measurement of rectified spirits, wines, cordials, and other products containing saccharine and other solid matter, shall be applicable to the gauging of distilled spirits and wines bottled or packaged for export with benefit of drawback, under this subpart.

## STRIP STAMPS

§ 252.55 *Strip stamps not required.* No strip stamps shall be affixed to bottles of distilled spirits bottled especially for export with benefit of drawback.

(68A Stat. 602; 26 U. S. C. 5008)

## CAPACITY AND USE OF BOTTLES

§ 252.56 *Distilled spirits.* Distilled spirits shall be bottled for export in bot-

ties containing less than 5 wine gallons. Liquor bottles conforming to the provisions of Part 175 of this title may be used in bottling such spirits for export, but the use of such bottles is not required.

§ 252.57 *Wines.* Wines shall be bottled especially for export in bottles containing 5 wine gallons or less.

## LABELS

§ 252.58 *Labeling of distilled spirits.* Distilled spirits bottled especially for export under the provisions of this subpart shall be labeled as follows:

- (a) Kind of spirits;
- (b) Name of bottler;
- (c) City or town and State in which bottled;
- (d) Proof of spirits;
- (e) The words "Bottled for export from U. S. A.", and
- (f) The net contents of the bottle, unless legibly blown therein.

Such additional information not inconsistent with the foregoing requirements as may be desired by the exporter may also appear on the label.

§ 252.59 *Labeling of wines.* Wines bottled especially for export under the provisions of this subpart shall be labeled as follows:

- (a) Kind of wines;
- (b) Name of bottler;
- (c) City or town and State in which bottled;
- (d) Alcohol content by volume, except that if not over 14 percent it may be so stated;
- (e) The words "Bottled for export from U. S. A.", and
- (f) The net contents of the bottle, unless legibly blown therein.

Such additional information not inconsistent with the foregoing requirements as may be desired by the exporter may also appear on the label.

## CASES

§ 252.60 *Construction of cases.* Distilled spirits or wines bottled especially for export with benefit of drawback may be placed in cases constructed of wood, fiberboard, or other material provided such cases are so constructed as to afford protection against breakage during storage in the export storage room or transfer or shipment therefrom. Cases constructed of wood shall have the outer surface of the side or end, upon which the required marks and brands are to appear, made of dressed lumber.

## REQUIRED MARKS ON CASES AND PACKAGES

§ 252.61 *Cases filled at rectifying plants and taxpaid bottling houses.* Each case of distilled spirits or wines filled by rectifiers for export with benefit of drawback shall bear on one side the markings required by Part 235 of this title; and each case filled for the same purpose by proprietors of taxpaid bottling houses shall bear on one side the markings required by Part 230 of this title. Each case shall also bear on the same side the words "For export from U. S. A." If the spirits or wines are to be exported by a person other than the bottler, the name and address of the exporter, preceded by the words

"For," "Bottled for," or "Bottled expressly for," may also be marked upon the case. The method of marking the cases shall be in accordance with the applicable provisions of Parts 235 or 230 of this title, as the case may be.

§ 252.62 *Cases filled by proprietors of taxpaid wine bottling houses.* Each case of wines filled by proprietors of taxpaid wine bottling houses for export with benefit of drawback shall be marked in accordance with the requirements of Part 231 of this title for cases of wine bottled for domestic use and in addition thereto shall be marked in a plain and durable manner, in a color contrasting with the color of the case and in letters not less than one-half inch in height, the words "For export from U. S. A." If the wines are to be exported by a person other than the bottler, the name and address of the exporter, preceded by the words "For," "Bottled for," or "Bottled expressly for," may also be placed upon the case.

§ 252.63 *Packages of distilled spirits.* Each package of distilled spirits filled for export with benefit of drawback shall be numbered serially beginning with "1" for the first package filled: *Provided*, That such serial numbers shall be in sequence to the series in current use for the numbering of cases or other packages for domestic use. Where cases and packages are filled simultaneously and it is impracticable to number the cases and packages consecutively, separate series of numbers followed by an identifying letter may be used for the packages. In addition to the serial number, there shall be plainly and durably burned, cut, imprinted, or stenciled on the Government head of each barrel or similar container of distilled spirits: (a) the kind of spirits; (b) the wine gallon content; (c) the proof of spirits; (d) the proof gallon content; (e) the tare of the container; (f) the date of filling; (g) the name of the packer; (h) the location (city or town and State) of the plant where packaged; and (i) the words "For export from U. S. A." If the spirits are to be exported by a person other than the packer the name and address of the exporter, preceded by the words "For," "Packaged for," or "Packaged expressly for," may also be marked upon the package.

§ 252.64 *Packages of wines.* Except as provided herein, the packer shall place marks upon packages of wine similar to the marks required by § 252.63 to be placed upon packages of distilled spirits. The tare need not be marked on the packages, the alcohol content of the wine shall be shown in percentage by volume in lieu of the proof and, in the case of unrectified wine, the proof gallons may be omitted.

## STAMPS ON PACKAGES

§ 252.65 *Packages of distilled spirits to be stamped.* Every package of distilled spirits filled especially for export with benefit of drawback must have a wholesale liquor dealer's stamp affixed thereto. In the case of packages filled on and after the effective date of this part, such packages will be stamped at the time of deposit in the export storage

room. In the case of packages filled prior to the effective date of this part, such packages will be stamped prior to removal or transfer from the export storage room.

(68A Stat. 602; 26 U. S. C. 5008)

**§ 252.66 Issuance of wholesale liquor dealer's stamps.** Upon receipt of Forms 237 or dump Form 230 with attached Form 1684 for inspection and supervision of the deposit in the export storage room of packages of distilled spirits filled especially for export with benefit of drawback, the storekeeper-gauger will issue a wholesale liquor dealer's stamp for each package listed on the form. When issuing the stamps, the storekeeper-gauger will enter the required information in the blank spaces on each stamp and sign the stamps. The storekeeper-gauger may enter his signature by means of a facsimile stamp, provided care is taken to use only such ink as will neither fade nor blur. Where an appreciable number of packages will be filled, the rectifier must provide the storekeeper-gauger with suitable rubber stamps for the insertion of information common to all wholesale liquor dealer's stamps to be used by him. Where filled packages are reported on Form 1684 attached to dump Form 230, the storekeeper-gauger shall enter in the proper column, on the original and each copy of Form 1684, opposite the package for which each stamp is issued, the serial number of the stamp. Where packages are filled pursuant to Form 237, the storekeeper-gauger shall enter in the column headed "Packages" (properly modified to show wholesale liquor dealer's stamp), in part 2, opposite the package for which each stamp is issued, the serial number of the stamp. The provisions of this section will be followed, insofar as applicable, in stamping packages filled prior to the effective date of this part. Memorandum report of such stamping will be submitted to the assistant regional commissioner.

**§ 252.67 Affixing and canceling of stamps.** The provisions of Part 235 of this title in regard to the affixing and canceling of wholesale liquor dealer's stamps to packages of spirits for domestic use shall be applicable to the affixing and canceling of stamps to packages of distilled spirits filled especially for export with benefit of drawback.

#### RECTIFICATION, BOTTLING AND PACKAGING AT RECTIFYING PLANTS AND TAXPAID BOTTLING HOUSES

**§ 252.68 Other regulations applicable.** The provisions of Parts 230 and 235 of this title, insofar as they are applicable and not inconsistent with the provisions of this subpart, shall govern the dumping, rectification, bottling, and packaging of distilled spirits and wines to be exported with benefits of drawback by proprietors of tax paid bottling houses and rectifying plants, respectively.

#### RECORDS COVERING PRIOR RECTIFICATION, BOTTLING OR PACKAGING

**§ 252.69 Records of prior rectification, bottling or packaging.** Where the spirits or wines bottled or packaged for

export with benefit of drawback include spirits or wines previously rectified and bottled, or packaged, there shall be attached to the extra copy of the Form 230 or 237, required by § 252.71 to be submitted to the assistant regional commissioner, a copy of each batch Form 122 and Form 237 or Form 230 pursuant to which such spirits or wines were previously rectified, bottled, or packaged. In the event imported spirits or wines entered into the original production of the liquors, Form 1583, procured from the collector of customs at the port of entry and showing that the internal revenue tax had been collected thereon, must also be attached. The extra copy of the Form 230 or batch record Form 122 shall make reference to the batch record Form 122, Form 237, or Form 230, covering any previous rectification, bottling, or packaging. Where distilled spirits or wines had been rectified prior to September 1, 1954, a copy of Form 122 covering the dumping of such distilled spirits or wines and Form 237 must be submitted and referred to, as the case may be, instead of a batch record Form 122. In the case of spirits or wines which have been previously bottled without rectification at rectifying plants or taxpaid bottling houses, Form 230 covering the original bottling must be attached to the extra copy of the dump Form 230 or batch record Form 122 submitted to the assistant regional commissioner. Where wine is used in a rectified product there will be shown on the batch record Form 122 or, in the case of spirits or wines rectified prior to September 1, 1954, on the dump Form 122, in addition to the other required information, the wine gallons and taxable class of wine so used. Where alcoholic flavoring material produced at premises other than a rectifying plant is used in a rectified product, there shall be inserted on the batch record Form 122 or the Form 237 covering the bottling or packaging of the product, a statement showing the name and address of the manufacturer of the product, the proof gallons used, the serial number of the package in which such distilled spirits or alcohol were received by him, and the rate of nonbeverage drawback allowed thereon.

**§ 252.70 Distilled spirits or wines in bottles.** Domestically produced spirits and wines may be dumped from bottles for rectifying, bottling, or packaging only when they are contained in cases as originally packed.

**§ 252.71 Bottling and packaging procedure.** Domestically produced distilled spirits or wines, including previously rectified products, received in cases, packages, or by pipeline, dumped for bottling without rectification under the provisions of Parts 230 or 235 of this title, may be bottled or packaged in whole or in part especially for export with benefit of drawback; or distilled spirits or wines dumped and rectified for bottling or packaging under the provisions of Part 235 of this title, may be bottled or packaged, in whole or in part, especially for export with benefit of drawback: *Provided*, that where spirits or wines dumped for bottling without

rectification are packaged for export with benefit of drawback, the rectifier or bottler shall report the gauge of each package on Form 1684, in triplicate, and the total wine and proof gallons so packaged, and the first and last serial numbers of each sequence, appropriately identified by reference to the Form 1684 and its serial number, in the report of cases filled on the Form 230; and attach a copy of the Form 1684 to each copy of the dump Form 230: *And provided further*, That (a) one additional copy of Form 230, or batch record Form 122 and Form 237, as the case may be, shall be prepared, and (b) the proprietor shall insert in each copy of Form 230, 237, or 1684 after the description of cases or packages filled, a signed statement of the serial numbers of the cases or packages of distilled spirits or wines bottled or packaged especially for export, as follows:

Cases (or packages) serially numbered \_\_\_\_\_ to \_\_\_\_\_ were \_\_\_\_\_  
(Bottled or packaged)  
especially for export with benefit of drawback.

The proprietor shall hold such cases or packages pending inspection by the storekeeper-gauger and his supervision of the deposit of the cases or packages in the export storage room.

**§ 252.72 Reduction in proof of spirits.** Unrectified distilled spirits may be reduced in proof prior to being drawn into packages. The reduction in proof or the increase in volume of rectified spirits on which the rectification tax has been determined is prohibited by law, unless the spirits are again rectified and the rectification tax again determined thereon. However, a restoration of the proof and volume of rectified spirits upon which the rectification tax has been determined, by the addition of water, preparatory to being drawn into packages, shall not be deemed a reduction in proof or an increase in volume within the meaning of section 5021 (b) of the Internal Revenue Code of 1954. Section 5021 (b) of the Internal Revenue Code of 1954 is not applicable to the reduction in proof of domestically rectified spirits exempt from rectification tax.

(68A Stat. 606; 26 U. S. C. 5021)

**§ 252.73 Packaging from original container.** Where authorized by the assistant regional commissioner, wines, cordials, and liqueurs that require packaging from the original container may be so packaged. A packer desiring to package such liquors from the original containers must request approval of the assistant regional commissioner, in writing, describing the liquors and showing the necessity for packaging the same from the original container.

**§ 252.74 Deposit in export storage room.** After completion of bottling or packaging and execution by the proprietor of his certificate on Form 230, 237, or Form 230 and attached Form 1684 of cases or packages filled and his statement as to the cases or packages of distilled spirits or wines bottled or packaged especially for export with benefit of drawback, he shall deliver all copies

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of Form 230, 237, or Form 230 and attached Form 1684 to the storekeeper-gauger. The storekeeper-gauger will inspect the cases or packages declared by the proprietor on the Form 230, 237, or Form 230 and attached Form 1684 as bottled or packaged especially for export with benefit of drawback and, in the case of distilled spirits in packages, issue and supervise the affixing and canceling of the wholesale liquor dealer's stamps as provided in §§ 252.65 to 252.67. He will then supervise the deposit of the bottled or packaged spirits or wines in the export storage room. The storekeeper-gauger will note on each copy of the Form 230, 237, or 1684 immediately following the proprietor's statement, a signed statement of his examination and the deposit of the cases or packages in the export storage room, as follows:

The \_\_\_\_\_ described above as (Cases or Packages) bottled or packaged especially for export were inspected by me and deposited in the export storage room on the premises on \_\_\_\_\_, 19\_\_\_\_.

Signed \_\_\_\_\_  
(Storekeeper-gauger)

The storekeeper-gauger will return all copies of the Form 230, 237, or Form 230 and attached Form 1684 to the proprietor who shall retain one copy for his files and forward the original and one copy to the assistant regional commissioner. Where rectified distilled spirits or wines are bottled or packaged a copy of the batch record Form 122 shall be attached to the Form 237 forwarded to the assistant regional commissioner.

## BOTTLING OR PACKAGING BY PROPRIETORS OF TAXPAID WINE BOTTLING HOUSES

**§ 252.75 Other regulations applicable.** The provisions of Part 231 of this title, insofar as applicable and not inconsistent with the provisions of this subpart, shall govern the dumping, bottling, and packaging of wines to be exported with benefit of drawback by proprietors of taxpaid wine bottling houses.

**§ 252.76 Notice of intention to dump for bottling or packaging, Form 230.** The proprietor shall prepare a separate notice on Form 230, in duplicate, for each lot of wines to be dumped and bottled or packaged for exportation with benefit of drawback. All the applicable information indicated in the headings of the various lines of parts 1 and 2 and the instructions printed on the form or issued in respect thereto and as required by this subpart shall be furnished except as to information in regard to proof gallons. In addition there will be shown in an unused column of part 2 (properly modified) the percent of alcohol by volume of the wine. The proprietor shall insert in each copy of the form, after the description of the wines to be bottled, a statement as follows:

The above described wines are to be bottled (or packaged) especially for export with benefit of drawback.

**§ 252.77 Approval of Form 230.** All copies of Form 230 shall be submitted to the assistant regional commissioner for approval: *Provided*, That where a storekeeper-gauger has been previously desig-

nated to approve Forms 230 they shall be submitted to the storekeeper-gauger; or, where the assistant regional commissioner has authorized such bottling or packaging without prior approval of Forms 230, the proprietor may proceed to bottle or package without submission of Forms 230 for approval. Upon receipt of the approved Form 230 from the assistant regional commissioner or the designated storekeeper-gauger, if such approval is required, the proprietor may proceed with the bottling or packaging of the wine.

**§ 252.78 Bottling or packaging procedure.** Where the wine is to be bottled or packaged from a tank, the proprietor will attach one copy of Form 230 to a board provided for the purpose on the tank. Upon completion of the bottling or packaging operations, including the labeling, casing, and marking required by this subpart, the proprietor will remove the tank copy and in the case of bottled wine execute part 4 of both copies of Form 230, except as to information in regard to proof gallons. In the column headed "Proof" the percent of alcohol by volume of the wine will be shown. In the case of packaged wine, the proprietor shall execute Form 1684, in duplicate, and attach a copy to each copy of the dump Form 230. Where wine is bottled and packaged from the same lot, report of gauge on Form 1684 and entries on Form 230 will be made, as applicable, as provided in § 252.71.

**§ 252.79 Deposit in export storage room.** After completion of bottling, and casing, or packaging and execution by the proprietor of his certificate on Form 230 or Form 230 and 1684, as the case may be, of the quantity of wine bottled or packaged, he will remove the wine to the export storage room pending shipment, unless the wine is to be shipped immediately.

**§ 252.80 Disposition of Form 230.** The proprietor will forward the original of the completed Form 230 with Form 1684 (if any) to the assistant regional commissioner and retain the copy of Form 230 with Form 1684 (if any) in his files available for inspection by internal revenue officers.

**§ 252.81 Destruction of marks on wine containers.** When wines are dumped for packaging by a proprietor of a taxpaid wine bottling house all marks, labels, or tags, which the packages are required by law and regulations to bear, must be destroyed or obliterated immediately after the packages are emptied.

## RECORD OF DISTILLED SPIRITS AND WINES BOTTLED OR PACKAGED ESPECIALLY FOR EXPORT

**§ 252.82 Record by rectifiers and proprietors of taxpaid bottling houses.** The receipt, rectification, bottling, packaging, and disposition of distilled spirits and wines bottled or packaged especially for export, with benefit of drawback, shall be entered by the rectifier on Form 45. All applicable information indicated by the headings of the columns and lines and the instructions printed on the form will be entered thereon. The receipt, bottling, packaging, and disposition of

distilled spirits or wines bottled or packaged especially for export with benefit of drawback, by proprietors of taxpaid bottling houses, shall be entered on Form 52-D. All applicable information indicated by the headings of the columns and lines, and the instructions printed on the form, will be entered thereon.

**§ 252.83 Records by proprietors of taxpaid wine bottling houses.** Records of bottling and packaging and disposition of wine bottled or packaged especially for export with benefit of drawback shall be maintained by proprietors of taxpaid wine bottling houses in accordance with the applicable provisions of Part 231 of this title for taxpaid wines bottled for domestic purposes. Such entries on Form 2060, of cases of wine bottled especially for export with benefit of drawback, shall be identified in the column designated "Serial numbers" by inserting the legend "Exp.". Also, on the record of packages filled, each package filled for export will be identified by the legend "Exp. Pkg.".

**§ 252.84 Semiannual inventory by proprietors of taxpaid wine bottling houses.** Proprietors of taxpaid wine bottling houses shall show separately on their semiannual inventory of wines on hand (required by Part 231 of this title) the quantity of wine stored in the export storage room.

## TRANSFER AND STORAGE PENDING EXPORTATION

**§ 252.85 Establishment of export storage room at port of exportation.** Export storage rooms may be established at the port of exportation by a proprietor of a taxpaid bottling house, rectifying plant, or taxpaid wine bottling house, under the provisions of Parts 230, 235, or 231, respectively, of this title, whether or not such proprietor intends to bottle or package distilled spirits or wines especially for export. An export storage room at a port of exportation may also be established by the proprietor of an internal revenue bonded warehouse contiguous to the bonded premises under the provisions of Part 225 of this title.

**§ 252.86 Application for transfer, Form 1656.** Distilled spirits bottled or packaged especially for export may, pursuant to approved application on Form 1656, be transferred from the export storage room of the bottler or packer to an export storage room established at the port of exportation by a rectifier or proprietor of a taxpaid bottling house or internal revenue bonded warehouse for storage pending removal, for direct exportation or use as supplies on vessels or aircraft. Wines bottled or packaged especially for export may, pursuant to approved application on Form 1656, be transferred from the export storage room of the bottler or packer to any export storage room at the port of exportation for storage pending removal, for direct exportation or use as supplies on vessels or aircraft. Form 1656 will be executed in triplicate (or quadruplicate if the spirits are to be transferred to an export storage room in another region) by the bottler, packer, or exporter, except that, in the case of wines from a taxpaid wine

bottling house export storage room, an additional copy will be prepared. All copies of the form will be submitted to the assistant regional commissioner for approval.

**§ 252.87 Approval by assistant regional commissioner.** Where imported spirits or wines were used in the manufacture of the spirits and wines bottled or packaged especially for export, the assistant regional commissioner will not approve the application on Form 1656 prior to receipt from the collector of customs of Form 1583. Upon receipt of Form 1656 for approval, the assistant regional commissioner will establish the rate of drawback on the distilled spirits or wines described in the application and make notation of such rate on the form in conjunction with his approval of the transfer. Upon approval of the Form 1656 the assistant regional commissioner shall, in the case of applications for transfer from export storage rooms at taxpaid bottling houses or rectifying plants, forward all copies of the form to the storekeeper-gauger charged with supervision of the premises. In the case of applications for transfer from export storage rooms at taxpaid wine bottling houses, the assistant regional commissioner shall retain a copy, if the shipment is to be made to an export storage room in his region, or forward a copy to the assistant regional commissioner for the region in which the consignee storage room is located, if the shipment is made to another region, and return the remaining copies of the form to the proprietor of the premises.

**§ 252.88 Transfer from export storage room at taxpaid bottling house or rectifying plant.** Upon receipt by the storekeeper-gauger of approved Form 1656 he will inspect the cases or packages described on the form and, if they are in transferable condition and properly marked, he will release them to the proprietor for shipment and execute his report of inspection and release on the form. The storekeeper-gauger will deliver one copy of the form to the consignor proprietor, and forward one copy to the consignee. In the case of intra-regional shipments, the original will be forwarded to the assistant regional commissioner. In the case of inter-regional shipments, the original will be forwarded to the assistant regional commissioner of the consignee's region, and a copy will be forwarded to the assistant regional commissioner of the consignor's region.

**§ 252.89 Transfer from export storage room at taxpaid wine bottling house.** Upon receipt by the proprietor of a taxpaid wine bottling house of approved Form 1656 and shipment of the cases or packages of wines described therein, he shall make certification of shipment in part 3 (properly modified) on the form, retain one copy, forward one copy to the consignee, and, in the case of intra-regional shipments, forward the original to the assistant regional commissioner, or, in the case of inter-regional shipments, forward one copy to the assistant regional commissioner of the consignor's region and the original to the assistant

regional commissioner of the consignee's region.

#### FILING OF NOTICE, AND REMOVAL

**§ 252.90 Distilled spirits and wines exported, deposited in foreign-trade zones, or to be used as supplies on vessels.** Notice of intention to remove distilled spirits or wines from the export storage room for export, for use as supplies on vessels, or for deposit in a foreign-trade zone, shall be prepared by the exporter on Form 1582, in triplicate, for distilled spirits, and Form 1582-A, in triplicate, for wines. Where shipment is made for exportation for use of the Armed Services of the United States as provided in § 252.110, the destination may be shown as "foreign" with a specific destination in navy code and the name of the vessel will be omitted.

**§ 252.91 Packages of distilled spirits and wines to be gauged.** Where distilled spirits or wines to be removed have been packaged especially for export with benefit of drawback, the proprietor of the export storage room shall gauge the packages prior to preparation of his notice on Form 1582 or 1582-A: *Provided*, That where inspection discloses no evidence of loss and removal is made within thirty days from the time of packaging the distilled spirits or wines for export with benefit of drawback, such gauge shall be considered the gauge at time of removal. At the request of the proprietor, the storekeeper-gauger shall allow the proprietor of a rectifying plant, taxpaid bottling house, or internal revenue bonded warehouse, access to his export storage room for the purpose of making such gauge and the storekeeper-gauger shall supervise the gauging of the distilled spirits or wines by such proprietor. Report of gauge will be made by the proprietor on Form 1520, in triplicate (appropriately modified), and a copy of the report of gauge shall be attached to each copy of Form 1582 or 1582-A and considered a part thereof. The report of gauge will be checked by the storekeeper-gauger, by verifying the gauge of a representative number of packages, selected at random.

**§ 252.92 Distilled spirits and wines to be used as supplies on aircraft.** Notice of intention to remove distilled spirits or wines from the export storage room for use as supplies on aircraft shall be prepared by the exporter on Form 1582, in quadruplicate, for distilled spirits, and Form 1582-A, in quadruplicate, for wines. In part 2 of Form 1582 or Form 1582-A the exporter will show, in addition to the information required by the form, the number and size of the bottles contained in the shipment. One copy of Form 1582 or Form 1582-A shall be marked "consignee's copy."

**§ 252.93 Removal from export storage room.** Where distilled spirits or wines are to be removed from an export storage room at a taxpaid bottling house, rectifying plant, or internal revenue bonded warehouse, for export, deposit in a foreign-trade zone, or use as supplies on vessels or aircraft, all copies of Form 1582 or 1582-A, executed as to part 1, will be delivered to the storekeeper-

gauger for inspection of the cases or packages and the supervision of their removal from the export storage room. Where wines are to be removed from an export storage room at a taxpaid wine bottling house, the cases or packages will be inspected and removed by the proprietor, without supervision by an internal revenue officer, upon completion of part 1 of Form 1582-A.

**§ 252.94 Export marks.** Before distilled spirits or wines are removed from an export storage room at a taxpaid bottling house, rectifying plant, or internal revenue bonded warehouse, for export, deposit in a foreign-trade zone, or use as supplies on vessels or aircraft, the exporter will place upon the Government head of each package or the Government side of each case, in plain and durable letters and figures the words "Exported by" followed by the name of the exporter, the city and state in which he is located, and the date of inspection followed by the name and title of the internal revenue officer who inspected the spirits or wines: *Provided*, That in the case of shipment for deposit in a foreign-trade zone, there shall be inserted, immediately following the words "For Export From U. S. A.", the words "via foreign-trade zone No. \_\_\_\_\_". The name of the internal revenue officer may be placed on the case or package by means of a rubber stamp. The provisions of this section, insofar as applicable, shall be followed in the case of wines removed for such purposes from an export storage room at a taxpaid wine bottling house.

**§ 252.95 Certificate of removal.** The internal revenue officer will, upon releasing the spirits or wines, execute his certificate of removal on Form 1582 or Form 1582-A and deliver all copies of the form to the proprietor or, in the case of wine shipped from an export storage room at a taxpaid wine bottling house, the proprietor will, upon shipping the wines, execute the certificate of removal on Form 1582-A. One copy of the claim and entry will be immediately forwarded to the assistant regional commissioner by the proprietor and the remaining copies (one of them the original) will be delivered to the exporter.

**§ 252.96 Claim and entry.** The exporter will complete the claim and entry for drawback of tax on the distilled spirits or wines, on all copies of the Form 1582 or Form 1582-A received from the proprietor of the export storage room and immediately shall forward or deliver all copies to the collector of customs at the port of entry for export, except that (a) where the Form 1582 or Form 1582-A covers distilled spirits or wines for use as supplies on aircraft, the copy prepared and marked for the consignee in accordance with § 252.92 will be sent to the airline ordering the distilled spirits or wines at the airport where the distilled spirits or wines are to be delivered, or (b) where the Form 1582 or Form 1582-A covers distilled spirits or wines to be exported for the use of the Armed Services of the United States, and appropriate arrangements have been made with the collector of customs and

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a customs bonded warehouse has been established for use by the Armed Service's Port Transportation Officer, all copies of the Form 1582 or Form 1582-A will be forwarded to the Port Transportation Officer, or (c) where the Form 1582 or Form 1582-A covers distilled spirits or wines to be deposited in a foreign-trade zone, all copies of the Form 1582 or Form 1582-A will be forwarded to the customs officer in charge of the foreign-trade zone. Where a claim and entry on Form 1582 or 1582-A is signed by an agent, proper power of attorney authorizing the agent to execute the claim for the exporter must be filed, on Form 1534, with the assistant regional commissioner with whom the claim is filed.

## SHIPMENT OR DELIVERY FOR EXPORT

§ 252.97 *Consignment.* All distilled spirits and wines withdrawn from export storage rooms for use as supplies on aircraft will be consigned to the airline at the airport from which the aircraft will depart in international travel, in care of the collector of customs. Upon receipt of the distilled spirits or wines they will be stored at the airport under customs custody until laden as supplies on aircraft. All distilled spirits or wines, intended for export or for use as supplies on vessels shall be consigned to the collector of customs at the port of exportation, except that (a) when the shipment is to a contiguous foreign territory it shall be consigned to the foreign consignee at destination, but stenciled or marked in care of the collector of customs or deputy collector of customs at the port of export, and (b) shipments for exportation for use of the Armed Services of the United States as provided in § 252.110 shall be consigned to the Port Transportation Officer at the port of exportation in care of the collector of customs. In the case of shipment to contiguous foreign territory, the carrier shall deliver the spirits or wines for customs inspection at the port of export before transporting the same to the foreign destination. All distilled spirits or wines intended for deposit in a foreign-trade zone for exportation or storage pending exportation shall be consigned to the customs officer in charge of the foreign-trade zone.

§ 252.98 *Direct delivery for customs inspection.* If the export storage room where the distilled spirits or wines are stored is located at the port of exportation, the exporter shall deliver the shipment for export or lading as supplies on vessels directly for customs inspection and supervision of lading. The drawback entry must be filed with the collector of customs at least six hours prior to the lading of the spirits or wines in order to allow opportunity for customs inspection. The exporter must file a copy of the export bill of lading with the assistant regional commissioner. The bill of lading must show the exporter as the shipper, the serial numbers of the cases or packages, as the case may be, and the quantity shipped in wine gallons.

§ 252.99 *Shipment for exportation by vessel.* In the event the export storage

room where the spirits or wines are stored is located elsewhere than at the port of exportation, the exporter shall deliver the shipment either directly for customs inspection and supervision of lading, as in the case where spirits or wines are stored at the port of exportation, or to a common carrier for transportation to the port of exportation. He shall forward a copy of the transportation bill of lading and a copy of the export bill of lading to the assistant regional commissioner of the region from which the shipment was made, for attachment to the copy of the claim and entry, Form 1582 or 1582-A received from the proprietor of the export storage room.

§ 252.100 *Receipt covering supplies on vessels or aircraft.* If the spirits or wines on which drawback is claimed are for use as supplies on vessels a receipt covering the spirits or wines showing the marks, serial numbers, and quantity, signed by the master or an authorized officer of the vessel or steamship company, will be filed with the assistant regional commissioner, in lieu of an export bill of lading. If the spirits or wines on which drawback is claimed are for use as supplies on aircraft, certificate of use, in lieu of export bill of lading, will be obtained as provided in § 252.108.

§ 252.101 *Exportation through border port.* In case of exportation to contiguous foreign territory by rail through a border port, the bill of lading will show the routing and will cover transportation to the foreign destination: *Provided*, That where a through bill of lading is not obtainable, separate bills of lading covering the shipment from the export storage room to the border port and from the border port to the foreign destination will be procured. The bill of lading will also show that the shipment was sent in care of the collector of customs at the border port. A copy of the through bill of lading, or copies of the separate bills of lading, as the case may be, will be transmitted by the exporter or his agent immediately by letter to the assistant regional commissioner of the region from which the spirits or wines were released for exportation. The assistant regional commissioner will attach the copy of the bill, or bills, of lading to the copy of the claim and entry, Form 1582 or 1582-A received from the proprietor of the export storage room.

§ 252.102 *Exporter's agent.* In the case of shipments by carrier to the port of export, the exporter will make all necessary arrangements in respect to transferring the shipment from the terminal of the carrier to the dock, ocean transportation and other matters incidental to exportation with benefit of drawback. Such duties may be performed for the exporter by his agent.

## PROCEDURE AT PORT OF EXPORT

§ 252.103 *General.* The collector of customs, upon receipt of the drawback entry on Form 1582, or Form 1582-A, shall cause the date and hour of receipt to be stamped on each copy of the form and shall deliver all copies to a customs officer for inspection or gauge and supervision of lading. The customs officer to

whom the forms are delivered shall inspect the export containers of spirits or wines. He shall make such inspection or gauge as is necessary to establish that the shipment corresponds with the description thereof on the Form 1582 or Form 1582-A and the accompanying gauge report, Form 1520, if any. He shall examine the contents of such containers as are found broken, damaged, or tampered with, or which he is led to suspect do not contain the spirits or wines originally packed therein, and shall make a special report thereon. The customs officer shall note in his report any deficiency in quantity or discrepancy between the merchandise inspected or gauged and that described in the entry. After having complied with the order of inspection, and after the spirits or wines have been duly laden on board the exporting conveyance, or laden aboard aircraft and used thereon as evidenced by the certificate of use prescribed in § 252.108, the customs officer shall complete and sign his certificate of inspection and lading on each copy of the form. If the customs officer has reason to believe that the merchandise is not the same as that originally packed in the containers or discovers any evidence of fraud, he shall detain the merchandise and notify the collector of customs who shall inform the assistant regional commissioner, Alcohol and Tobacco Tax, for the region in which the port is located, in order that appropriate action may be taken.

§ 252.104 *Distilled spirits in stamped packages.* Where distilled spirits are received in packages bearing wholesale liquor dealer's stamps, at the port of export or at foreign trade zones, the customs officer will, at the time of his inspection of the packages, remove the wholesale liquor dealer's stamps from the packages by cutting out all of that portion of the stamps within the border. He will attach the cutout portions of the stamps to the original of Form 1582 to be transmitted to the collector of customs, for forwarding to the assistant regional commissioner.

§ 252.105 *Exportation in sealed conveyances, from port of entry through another port.* Where distilled spirits or wine packaged or bottled especially for export with benefit of drawback are to be exported in conveyances, such as railroad cars, trucks, etc., through a frontier port and it is desired to avoid delay of customs inspection and gauge at such port, the distilled spirits or wines may be entered for exportation at an interior customs port and inspected or gauged by a customs officer at that port, or by an internal revenue officer as provided in § 252.106. The inspecting customs officer will supervise the loading of the distilled spirits or wines, and seal the conveyance with customs seals, and note the identifying number of the conveyance (license number in the case of trucks), and the serial numbers of the customs seals (if numbered seals are used), in his report on both copies of Form 1582 or 1582-A, as the case may be, and forward the forms with a copy of the bill of lading to be furnished by the exporter to the collector of customs. The collector

of customs will forward both copies of Forms 1582 or 1582-A to the customs officer at the frontier port, and retain the bill of lading pending return of Forms 1582 or 1582-A. If the customs officer at the frontier port finds upon arrival of the conveyance that the seals are intact and there is no evidence of tampering with the contents, he will execute his report on Form 1582 or 1582-A, and allow the conveyance to proceed to its destination without opening. The officer will then return both copies of the Form 1582 or 1582-A, to the collector of customs at the interior port of entry. If, however, the customs officer finds that the seals are not intact or there is evidence of tampering with the contents, he will open the conveyance, inspect and, except in the case of bottled distilled spirits or wines, gauge the distilled spirits or wines, and make report of his gauge on Form 696, in duplicate, or, in the case of bottled spirits, report in detail, in his certificate on Form 1582 or 1582-A, the loss found to have been sustained by each case. When the distilled spirits or wines are so inspected and gauged, the customs officer will append to each copy of Form 1582 or 1582-A a copy of his gauge on Form 696, if any, before forwarding the forms to the collector of customs at the interior port of entry. Upon receipt of Forms 1582 or 1582-A and the gauge reports, if any, from the customs officer at the frontier port, the collector at the port of entry will execute his certificate on both copies of Form 1582 or 1582-A, and forward one copy of each form, to the assistant regional commissioner of the region in which the export storage room from which the spirits were shipped is located.

**§ 252.106 Supervision by storekeeper-gauger of lading at an interior port.** Where distilled spirits or wines are to be laden at an interior customs port, at an export storage room established at a taxpaid bottling house, rectifying plant, or internal revenue bonded warehouse, for exportation through another port, and the collector of customs so authorizes, the storekeeper-gauger, instead of the customs officer as provided in § 252.105, shall inspect the distilled spirits or wines, supervise the lading thereof, and affix the customs seals to the closed conveyance. Upon completion of his inspection and verification of the description of the shipment, and supervision of the lading of the distilled spirits or wines in the closed conveyance, the storekeeper-gauger shall seal the conveyance with customs seals and note the identifying number of the conveyance (license number in the case of trucks), and the serial numbers of the customs seals (if numbered seals are used), in the certificate of inspection and lading on Form 1582 or 1582-A, as the case may be, and otherwise complete such certificate including the placement of his signature and title in the space provided for the customs officer, and shall perform such other related duties as may be imposed upon customs officers regarding inspection, supervision, and reporting of the shipment.

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**§ 252.107 Distilled spirits or wines for use as supplies on aircraft.** When an airline desires to withdraw distilled spirits or wines from its stock being held at the airport under customs custody, as supplies for a particular aircraft, as provided in § 252.97, a requisition in triplicate will be prepared for presentation to the customs officer. The requisition shall show the flight number, the registry number of the aircraft on which the distilled spirits or wines are to be laden, the date of departure of the aircraft, and the brand, kind, and quantity of distilled spirits or wines. Where the distilled spirits or wines are contained in kits which have been previously prepared while the distilled spirits or wines are under customs custody, the kit number will also be shown on the requisition. Where the kits are not prepared and the distilled spirits or wines are withdrawn for direct lading on aircraft, the requisitions shall be serially numbered in lieu of the insertion of the kit number. When the distilled spirits or wines are withdrawn and laden aboard the aircraft, the lading will be verified by the customs officer by an appropriate stamp or notation on the requisition. One copy of the requisition will be retained by the customs officer who certifies to the lading for attachment to the outgoing manifest. The other two copies will be delivered to the airline which will retain both copies until the return of the flight. In case any distilled spirits or wines are removed from the aircraft upon its return, appropriate notation will be made on both copies of the requisition retained by the airline and one copy will be delivered to the customs officer for attachment to the incoming manifest. The remaining copy will be retained by the airline.

**§ 252.108 Certificate of use for distilled spirits or wines used as supplies on aircraft.** When all of the distilled spirits or wines represented by any Form 1582 or 1582-A have been withdrawn from customs custody, and laden and used as supplies on aircraft, the airline will prepare a certificate of use on which are itemized all requisitions for such distilled spirits or wines. The certificate shall show the name of the exporter, the entry number, the brand and kind of spirits or wines, and the number of bottles to be accounted for; and, as to each requisition, the requisition (or kit) number, the date laden, the registry number of the aircraft, the country for which the aircraft was cleared, and the number of bottles used. The certificate shall be in substantially the following form:

Name of Exporter \_\_\_\_\_  
Entry No. \_\_\_\_\_  
Brand and kind of spirits or wines \_\_\_\_\_  
No. of bottles to be accounted for \_\_\_\_\_

No. of requisition (or kit number)	Date laden	Registry No. of aircraft	Cleared for (country)	No. of bottles used <sup>1</sup>

<sup>1</sup> The number of bottles shown in this column will represent the difference between the number withdrawn for supplies and the number returned unused as shown by the requisition.

## CERTIFICATE OF USE

I hereby certify that the above described taxpaid liquors were withdrawn from stock in customs custody and were laden for use as supplies on aircraft as set forth and that the records of the aircraft show such liquors were used outside the continental limits of the United States as supplies on aircraft operated by this company in international travel.

-----  
(Airline company)  
By \_\_\_\_\_  
-----  
(Capacity)

When the form has been completed as to all distilled spirits or wines laden and used as supplies, the certificate of use will be executed by the authorized representatives of the airline. The form will be presented to the customs officer at the airport who, upon verification with the requisitions previously verified, will certify the form by appropriate notation and execute his certificate of inspection and lading on Form 1582 or 1582-A, noting thereon exceptions, if any, such as shortages, breakage, etc. The customs officer will forward both copies of Form 1582 or 1582-A, with the certificate of use attached to the original, to the the collector of customs.

**§ 252.109 Certification of non-inspection.** In the case of bottled distilled spirits and wines, whenever the inspecting officer is unable to certify to the actual inspection and lading of the spirits or wines, he shall make his return on Form 1582, or Form 1582-A, stating therein the reasons why the spirits or wines were not inspected by him and laden under his supervision. The officer shall, after the vessel, aircraft, car, or other conveyance has cleared, examine the records of the delivering and exporting steamship, or transport lines for the purpose of verifying the particulars stated in the drawback entry, and will make his certification accordingly. If the records examined show that containers of similar description were laden on the exporting vessel, aircraft, car, or other conveyance for the designated port, the officer shall set forth in his certification, in addition to other data indicated by the form, the date and hour of lading.

**§ 252.110 Shipment to the Armed Services, certificate of lading.** In the case of shipments of distilled spirits or wines with benefit of drawback for use by military personnel of the United States, the certificate of inspection and lading shall be executed by the Armed Services Port Transportation Officer at the port of exportation who shall also show the name of the vessel in his certification. All copies of the form will then be delivered to the collector of customs for execution of his certificate of clearance and forwarding of the form as provided in § 252.111.

**§ 252.111 Clearance certificate.** After the customs officer has executed his certificate of inspection or non-inspection, as the case may be, and after receipt of the export or through bill of lading, where required, the collector of customs will execute his certificate of clearance

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on each copy of Form 1582 or Form 1582-A. The collector of customs will retain one copy of the form for his entry record and will transmit the original fully executed, to the assistant regional commissioner of the region from which the bottled spirits or wines were shipped. Where the spirits or wines were used as supplies on aircraft, the certificate of use prescribed by § 252.108 will accompany the original of Form 1582 or 1582-A, as the case may be.

## DISPOSITION OF CLAIMS

§ 252.112 *Allowance of claim.* The assistant regional commissioner will, upon receipt of the claim on Form 1582 or Form 1582-A, accompanied by the certificate of use in the case of supplies for use on aircraft, from the collector of customs, examine the claim and the records of his office pertinent to the distilled spirits or wines covered by the claim to determine whether the spirits or wines covered by the claim have been fully taxpaid, the amount claimed is correctly computed, the claimant has complied in every respect with law and regulations, and that evidence satisfactory to him of exportation, lading as supplies on vessels, or lading and use as supplies on aircraft has been filed. He will then allow or disallow the claim in accordance with existing law and regulations. If the claim is not allowed in full, the assistant regional commissioner will notify the claimant in writing of the reasons for any disallowance.

§ 252.113 *Allowance in cases of non-inspection.* Where spirits or wines in casks, barrels, drums or other approved containers containing not less than 5 wine gallons are not inspected by a customs officer at the port of export and loaded on the exporting vessel, aircraft, railroad car, motor truck, or other conveyance under his supervision, a claim for drawback thereon shall not be allowed. Where bottled spirits or wines were not inspected by a customs officer at the port of export, and loaded on the exporting vessel, aircraft, railroad car, motor truck, or other conveyance under his supervision, the claim for drawback may, nevertheless, be allowed, provided that the law and regulations were complied with in other respects and the exportation without customs inspection and supervision of lading was not the fault of the exporter or carrier or the agent of either.

## PROOF OF EXPORTATION, ETC.

§ 252.114 *Evidence of exportation.* Exportation of distilled spirits and wines bottled or packaged especially for export with benefit of drawback may, for the purpose of allowing claims for drawback of tax on such distilled spirits or wines, be evidenced by (a) a copy of the export bill of lading issued by the exporting carrier, or (b) a certificate by the agent or representative of the export carrier showing actual exportation of the distilled spirits or wine, or (c) a certification by an Armed Services Port Transportation Officer, as to the lading of the distilled spirits or wines for a foreign destination when shipped for exportation for use of the Armed Services of the

United States, or (d) a certificate of foreign landing whenever the assistant regional commissioner shall have reason to believe that the shipment is not a bona fide exportation.

§ 252.115 *Evidence of use as supplies on vessels.* If the spirits or wines were laden on board a vessel for use as ship's supplies, there must be submitted promptly to the assistant regional commissioner with whom the claim is filed, an affidavit of the master or other officer of the vessel on which the articles were laden, having knowledge of the facts, showing that the spirits or wines have been laden and will be used on board the vessel, and that no portion thereof has been or will be landed in the United States or any of its possessions: *Provided*, That such affidavit will not be required, in the case of any shipment, when the distilled spirits or wines are laden on vessels of war or where the amount of tax on the distilled spirits or wines does not exceed \$100.

§ 252.116 *Evidence of use on aircraft.* The use of distilled spirits or wines as supplies on aircraft will be evidenced by a certificate of use as provided in § 252.108.

§ 252.117 *Landing certificate.* Proof of the foreign landing of the spirits or wines shall, in every case where required under the provisions of this subpart, consist of a duly executed landing certificate except as otherwise provided in this part. The landing certificate must give such description of the spirits or wines as will readily identify the shipment to which it relates. It will be in substantially the following form:

Port of \_\_\_\_\_, 19\_\_\_\_

I, \_\_\_\_\_, do hereby certify that the merchandise hereinafter described, shipped by \_\_\_\_\_, on or about the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, has been landed at this port, on or about the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

[SEAL]  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
[SEAL]  
(Name)  
(Title)

Marks and numbers	Number of cases	Name of articles	Quantity	
			Wine gallons	Proof gallons <sup>1</sup>

<sup>1</sup> In case of wines, show taxable grade in lieu of proof gallons.

§ 252.118 *Execution of landing certificate.* The landing certificate shall be signed by a revenue officer of the foreign country to which the merchandise is exported, unless it is shown by the exporter that such country has no customs administration, in which case the certificate shall be signed by the consignee or by the vessel's agent at the place of landing and sworn to before a notary public or other officer authorized to administer oaths and having an official

seal. The assistant regional commissioner will, upon receipt of a proper landing certificate, enter an appropriate credit in the account kept with the drawback bond or allow the claim, as the case may be.

§ 252.119 *Time for submission of proof of exportation, etc.* Whenever a certificate of foreign landing, affidavit of lading for use on vessels, or proof of loss after shipment is required under the provisions of this subpart as to any shipment of distilled spirits or wines bottled or packaged especially for export with benefit of drawback, such certificate, affidavit, or proof of loss, satisfactory to the assistant regional commissioner, shall be submitted to him within six months and such additional extensions of time as he may grant.

§ 252.120 *Extension of time for submitting proof.* In case the exporter, from causes beyond his control, is unable to furnish required proof of landing, affidavit of lading for use on vessels, or loss on land or at sea, within the time prescribed, he may make application to the assistant regional commissioner for an extension of time for production of the evidence. Such application must state specifically the cause of failure to produce the evidence and must contain or be verified by a written declaration that it is made under the penalties of perjury. The assistant regional commissioner may grant one extension of 3 months and, if necessary, upon a second application an additional 3 months may be granted, provided the exporter's bond is good and sufficient.

§ 252.121 *Proof of loss after shipment.* When a landing certificate or an affidavit of lading for use as supplies on vessels or aircraft, if required under the provisions of this subpart, cannot be obtained in consequence of loss on land or at sea, the exporter shall file with the assistant regional commissioner for the region from which the distilled spirits or wines were shipped an application for relief, setting forth the extent of the loss and, if possible, the location and manner of shipwreck, railroad wreck, aircraft wreck, or other casualty and the time of its occurrence. Such application must be accompanied by the affidavits of two or more creditable, and disinterested persons as to the loss. If the goods were insured, the exporter shall also file certificates by officers of the insurance companies or board of underwriters that the insurance has been paid, and that to the best of their knowledge or belief, the goods were actually lost on land or at sea. When obtainable, the exporter must furnish affidavits of the master and mate of the vessel, conductor or other official of the railroad, or air line, or operator of the motor truck or other conveyance, detailing the manner and extent of the loss and the time and location of the disaster or other casualty. The assistant regional commissioner will, upon receipt of the required evidence, if satisfied therefrom that the merchandise was lost on land or at sea outside the jurisdiction of the United States and without fault or negligence on the part of the exporter, enter an appropriate credit in the ac-

count kept with the bond or allow the claim, as the case may be.

§ 252.122 *Application for relief where proof of exportation or use cannot be obtained.* In case of inability to produce the prescribed evidence of landing or lading for use as supplies on vessels, application for relief may be made to the assistant regional commissioner of the region from which the distilled spirits or wines were shipped. The application must contain or be verified by a written declaration that it is made under the penalties of perjury and must recite the facts connected with the alleged exportation, setting forth the date of shipment, the kind, quantity, and value of the distilled spirits or wines shipped; the name of the consignee; the name of the vessel or aircraft, or description of the railroad car, motor truck or other conveyance, and the port to which the shipment was made; the date and amount of the bond, if any, covering such shipment. The application shall also state in what particular the regulations respecting the proof of landing or lading for use as supplies have not been complied with; the cause of failure to produce such proof; that such failure was not occasioned by any lack of diligence on the part of the applicant or his agents; and that he is unable to produce any or better evidence than that submitted with his application.

§ 252.123 *Collateral evidence.* Each application submitted under § 252.122 shall be supported by such collateral evidence as the exporter is able to submit. The evidence may embrace original or verified copies of letters from consignees advising the shipper of the arrival or sale of the spirits or wines, with such other statements respecting the failure to furnish the prescribed evidence of landing as may be obtained from the consignee or other persons having knowledge thereof. Letters and other documents in a foreign language must be accompanied by sworn translations and when the letters fail to identify sufficiently the goods, the original sales account must be produced.

§ 252.124 *Approval of relief application.* If the assistant regional commissioner is satisfied from the evidence presented that the spirits or wines were duly exported from the United States and were landed at the designated foreign port or, for a good and sufficient reason, at some other port outside the jurisdiction of the United States, or were landed as supplies on vessels, and that the failure of the applicant to furnish the prescribed evidence of landing, or lading for use as supplies on vessels, was not occasioned by any lack of diligence on his part or that of his agents, and that the applicant is unable to produce any other or better evidence than that submitted with the application, he will indorse his approval on the application, and enter proper credit in the account kept with the drawback bond or allow the claim, as the case may be.

§ 252.125 *Claim against bond.* If any claim supported by a bond is allowed and

the exporter fails to present evidence satisfactory to the assistant regional commissioner of the exportation, loss at sea, or lading for use as supplies, as required in this subpart, the assistant regional commissioner will make written demand upon the principal and the surety for repayment to the United States of the full amount of such drawback, plus interest, at the rate of 6 percent from the time the drawback was paid. If the amount demanded is not promptly paid, a copy of the bond, accompanied by a full report of the facts, will be forwarded to the United States attorney for enforcement of the claim by suit.

**SUBPART D—DRAWBACK ON DISTILLED SPIRITS EXPORTED IN DISTILLERS' ORIGINAL PACKAGES**

§ 252.135 *Drawback authorized.* Distilled spirits on which all taxes have been paid may be exported, with the privilege of drawback, in distillers' original casks or packages containing not less than 20 wine gallons each, on application of the owner thereof to the collector of customs at any port of entry and after making such entry and complying with other conditions as prescribed in this subpart.

§ 252.136 *Allowance of drawback.* A drawback shall be allowed on distilled spirits on which the tax has been paid and which have been exported to foreign countries. The drawback allowed shall include the taxes levied and paid on the distilled spirits exported, as per last gauge of said spirits prior to exportation. It shall be due and payable only after the proper entries have been made and filed, and all other conditions complied with as required by this subpart, and on filing with the assistant regional commissioner the proper claim, accompanied by the certificate of the collector of customs at the port of entry for export, that such spirits have been received into his custody and the internal revenue stamps thereon scalped and obliterated. Drawback will not be allowed for taxes claimed to have been paid on distilled spirits exported in packages not stamped, or upon which the name and location of the distiller and the date of taxpayment have not been marked.

§ 252.137 *Application and entry.* Any person desiring to export and claim drawback of the tax paid on distilled spirits in distiller's original casks or packages shall, at least six hours prior to the time for inspecting and gauging such packages by customs officers and the lading thereof, present to the collector of customs for the port from which the exportation is to be made an application and entry (in triplicate) on Form 1629, with part 1 of the form executed. All the information required by part 1, as indicated by the lines and the headings of the columns, and the instructions printed on the form, shall be furnished.

§ 252.138 *Customs inspection, gauge, and supervision of lading.* Upon receipt of Form 1629, the collector of customs shall cause the date and hour of receipt to be stamped on each copy of the form and deliver all copies to a customs officer.

The customs officer shall inspect and gauge the packages and prepare a report thereof on Form 696, in triplicate, showing all the information called for by the headings of the lines and columns on the form and the instructions printed thereon. The customs officer shall scalp the stamps attached to the packages, by cutting out that portion of the stamp extending from the top to the bottom and embracing the entire width within the borders, affix such scalped stamps to the original of the Form 696, and obliterate the portions remaining on the packages. He will then cause each package to have stenciled or otherwise marked on the head the words "For export from U. S. A.", followed by the date of inspection, and superintend the lading of the packages aboard the exporting conveyance. The customs officer shall then execute his certificate of inspection, gauge, and lading, on the original and the two copies of Form 1629, and return the original and the copies of the form, with Forms 696 attached, to the collector of customs.

§ 252.139 *Customs certification of clearance.* Upon receipt of Form 1629, completed as to certification of inspection, gauge, and supervision of lading, and upon clearance of the exporting conveyance, the collector of customs will complete his certificate of clearance on the original and both copies of Form 1629. He will forward the original of the Form 1629 and the copy of Form 696 to the exporter and one copy of the Form 1629 and the original Form 696 (with scalped stamps attached), to the assistant regional commissioner of the region in which the exporter is located. He shall retain the remaining copies of Forms 1629 and 696.

§ 252.140 *Claim.* The exporter, upon receipt of Forms 1629 and 696 from the collector of customs, shall, on the basis of the rate of tax paid, and the quantity, in proof gallons, of distilled spirits shown by the customs gauge on Form 696 to be contained in the packages, compute the amount of eligible drawback on the spirits, and execute his claim for drawback of such amount, on the Form 1629 received from the collector of customs. He shall then forward the claim with invoices and required bills of lading to the assistant regional commissioner of the region in which he is located. The exporter shall retain the copy of Form 696.

§ 252.141 *Evidence of ownership.* If the exporter is a person other than the distiller or warehouseman by whom the tax was paid, the exporter shall attach invoices or bills of purchase, as evidence of ownership, to the claim, on Form 1629 submitted to the assistant regional commissioner.

§ 252.142 *Requirements for allowance of claim.* The provisions of subpart C, relating to exportation of distilled spirits packaged especially for export with benefit of drawback are hereby made applicable to claims under the provisions of this subpart with respect to the filing of bonds, evidence of exportation (including bills of lading), landing certificates, proof of loss at sea, and ap-

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plications for relief and extensions of time and the actions thereon, and to the allowance of claims and crediting of bonds.

#### SUBPART E—DRAWBACK ON BEER EXPORTED DRAWBACK AUTHORIZED

**§ 252.150 Allowance on exportation.** Upon exportation of beer brewed or produced in the United States, upon which the internal revenue tax has been paid, the brewer thereof shall be allowed a drawback equal to the amount of the tax paid.

**§ 252.151 Authorized withdrawals.** Withdrawals of beer for exportation or for use as supplies on vessels or aircraft, upon which the internal revenue tax has been paid as provided by law, may be made by the producing brewer from the brewery at which produced or from any place of storage, located elsewhere, operated by either the brewer or another person.

#### MARKS ON CONTAINERS

**§ 252.152 Marks on containers.** In addition to the marks and brands prescribed under the provisions of Part 245 of this title, each case, crate, barrel, keg, or other package, containing beer to be exported or to be laden for use as supplies on vessels or aircraft under the provisions of this subpart, must have stenciled or otherwise marked thereon in durable and legible letters the words "Beer for Export—Entry No. , Drawback Claimed" and the port of exportation. The entry number assigned shall be the same as the entry number shown on Form 1582-B. The letters and figures shall be not less than three-quarters of an inch in height.

#### CLAIM AND ENTRY REQUIRED

**§ 252.153 Beer exported, deposited in foreign-trade zones, or used as supplies on vessels or aircraft.** Claim for allowance of drawback of internal revenue taxes on beer brewed or produced in the United States, and entry for exportation, deposit in foreign-trade zone, or use as supplies on vessels or aircraft, shall be prepared by the brewer thereof on Form 1582-B, in triplicate.

#### EXECUTION OF CLAIM AND ENTRY

**§ 252.154 Removals from brewery premises where produced.** The brewer will execute part 1 and part 3 of all copies of Form 1582-B. All the information required by the headings and various lines of the form and the instructions printed thereon or issued in respect thereto and as required by this subpart shall be furnished. Upon removal of the beer from the brewery for shipment the brewer will (a) immediately forward two copies of Form 1582-B to the collector of customs at the port of export or, (b) in the case of shipments to the Armed Services of the United States for export, the brewer will immediately forward two copies of Form 1582-B to the commanding or supply officer to whom the shipment is consigned, or (c) in the case of shipments to a foreign-trade zone, the brewer will immediately forward two copies of Form 1582-B to the customs officer in charge of the foreign-trade zone. The remain-

ing copy of Form 1582-B will be filed with the assistant regional commissioner of the region in which the producing brewery is located.

**§ 252.155 Removals from storage warehouse located elsewhere.** The agent of the brewer will execute part 1 of all copies of Form 1582-B. All the information required by the headings and various lines of the form, and the instructions printed thereon or issued in respect thereto and as required by this subpart shall be furnished. Upon removal of the beer from the storage warehouse for shipment the brewer's agent will (a) immediately forward two copies of Form 1582-B to the collector of customs at the port of export or, (b) in the case of shipments to the Armed Services of the United States for export, the brewer's agent will immediately forward two copies of Form 1582-B to the commanding or supply officer to whom the shipment is consigned, or (c) in the case of shipments to a foreign-trade zone the brewer's agent will immediately forward two copies of Form 1582-B to the customs officer in charge of the foreign-trade zone. The remaining copy will be forwarded to the brewer at the producing brewery. Upon receipt of the copy of Form 1582-B from his agent at the shipping warehouse the brewer will execute the claim for drawback on the copy of Form 1582-B received from his agent and file such copy with the assistant regional commissioner of his region: *Provided*, That if proper power of attorney authorizing the agent to execute the claim for the brewer has been filed with the assistant regional commissioner, claim on Form 1582-B may be executed and filed by the agent with the assistant regional commissioner of the region in which the producing brewery is located: *And provided further*, That where the brewer operates more than one brewery in different regions and removals for exportation or for use as supplies on vessels or aircraft are made from storage warehouses, the copy of Form 1582-B with the claim executed, either by the brewer or agent, will be filed with the assistant regional commissioner of the region in which the principal office of the brewer is located.

#### SHIPMENT OR DELIVERY FOR EXPORT OR USE AS SUPPLIES ON VESSELS OR AIRCRAFT

**§ 252.156 Consignment.** Beer intended for export or use as supplies on vessels or aircraft with benefit of drawback shall be consigned to the collector of customs at the port of exportation, or port of lading for supplies on vessels or aircraft, except that (a) when the shipment is to a contiguous foreign territory it shall be consigned to the foreign consignee at destination, but marked in care of the collector of customs at the port of export, or (b) where shipment is pursuant to an order from the Armed Services for beer for export, the beer will be consigned to a commanding officer or a supply officer of the Armed Services of the United States and such fact as well as the name of the officer and the location of the supply base or place of delivery will be shown on Form 1582-B in

lieu of the name and address of consignee and name or number of the vessel or aircraft. In the case of shipments to a contiguous foreign territory, the carrier shall deliver the beer for customs inspection at the port of export before transporting the same to foreign destinations.

**§ 252.157 Direct delivery for customs inspections; bill of lading.** If the brewery or storage warehouse from which the shipment is made is located at the port of exportation, the brewer shall deliver the shipment directly for customs inspection and supervision of lading, and will promptly forward a copy of the export bill of lading to the assistant regional commissioner of the region in which the claim for drawback is filed: *Provided*, That (a), in the case of shipments to the Armed Services, the shipment will be delivered to the commanding officer or supply officer to whom consigned and an export bill of lading will not be required, and (b) in the case of shipment for lading for use as supplies on vessels or aircraft, an export bill of lading will not be required.

**§ 252.158 Exportation by vessel.** In event the brewery or storage warehouse from which the shipment is made is located elsewhere than at the port of exportation, the brewer shall deliver the shipment either directly for customs inspection and supervision of lading, or to a common carrier for transportation to the port of exportation. In the latter case he shall forward a copy of the transportation bill of lading to the assistant regional commissioner of the region in which the claim for drawback is filed, for attachment to the claim on Form 1582-B filed by the brewer or his agent.

**§ 252.159 Exportation through border port.** In case of exportation through a border port to contiguous foreign territory, the bill of lading will cover transportation to the foreign destination, and must show the routing, particularly the carrier which will deliver the shipment for customs inspection at the border port: *Provided*, That where a through bill of lading is not obtainable, separate bills of lading covering the shipment from the brewery or storage warehouse to the border port and from the border port to the foreign destination will be procured. The bill of lading will also show that the shipment was sent in care of the collector of customs at the border port. A copy of the through bill of lading, or copies of separate bills of lading, as the case may be, will be transmitted by the brewer or his agent immediately by letter to the assistant regional commissioner of the region in which the claim for drawback is filed for attachment to the claim on Form 1582-B filed by the brewer or his agent.

#### CUSTOMS PROCEDURE

**§ 252.160 Examination by customs officer.** The collector of customs will deliver the original and one copy of Form 1582-B to a customs officer for inspection and supervision of lading of the beer. The customs officer shall carefully inspect the containers of beer described in

the entry. He shall examine the contents of such containers as are found broken or tampered with, or which he is led to suspect do not contain the beer originally packed therein, and make a special report thereon. If the customs officer discovers any evidence of fraud, he shall detain the beer and notify the collector of customs who shall inform the assistant regional commissioner for the region in which the port is located, in order that appropriate action may be taken. The customs officer shall note in his report any deficiency in quantity or discrepancy between the article inspected and that described in the entry. After having completed his inspection and supervision of lading on board the exporting conveyance or the vessel or aircraft for use as supplies, the customs officer shall complete and sign the certificate of inspection and lading, on each copy of the Form 1582-B.

§ 252.161 *Disposition of Form 1582-B by customs officer.* After the customs officer has executed the certificate of inspection, and lading for exportation, and after receipt of the export or through bill of lading when required, he will retain the copy of Form 1582-B and transmit the original, with copy of bill of lading (if any), to the assistant regional commissioner of the region in which the claim for drawback is filed (as indicated in part 1 of the form).

#### RECEIPT FOR EXPORT TO ARMED SERVICES

§ 252.162 *Certification by commanding or supply officer.* Upon receipt of Form 1582-B and the beer described thereon, at the supply base or other designated place of delivery, the officer to whom consigned or other authorized supply officer at such place will, in the space provided for the customs officers certification of inspection and lading on Form 1582-B, receipt for the number of cases or packages received. The officer must also certify on the receipt that the beer will be shipped or delivered only for consumption or use outside the jurisdiction of the internal revenue laws of the United States. The officer shall then return one copy of Form 1582-B, so certified, to the assistant regional commissioner of the region in which the claim for drawback is filed (as indicated in part 1 of the form).

#### DISPOSITION OF CLAIMS

§ 252.163 *Allowance of claim.* Upon receipt of the claim on Form 1582-B, executed by the brewer or his agent, and the corresponding original Form 1582-B executed by the customs officer as provided in § 252.160, or by the Armed Services officer as provided in § 252.162 the assistant regional commissioner will examine the claim and the required documents submitted in connection therewith to determine whether the amount claimed is correctly computed, the claimant has complied in all respects with law and regulations, and that the evidence of exportation as provided in § 252.164 or evidence of lading for use as supplies on vessels or aircraft as provided in § 252.165 has been filed. He will then allow or disallow the claim in accordance with existing law and regulations. If the claim

is not allowed in full, the assistant regional commissioner will notify the claimant in writing of the reasons for any disallowance.

#### EVIDENCE OF EXPORTATION OR LADING FOR USE ON VESSELS OR AIRCRAFT

§ 252.164 *Evidence of exportation.* Exportation of beer may be evidenced by (a) a copy of the export bill of lading executed by the delivering carrier so as to show that the beer has been accepted by such carrier for delivery to a foreign destination, or (b) a certificate by the agent or representative of the export carrier or by a proper U. S. Customs officer showing that the beer has been laden for export, or (c) a certificate signed by the port transportation officer or the commanding officer of a supply base showing that the beer will be delivered only for consumption or use by the Armed Services of the United States: *Provided*, That where the evidence of exportation described above is not furnished, or where deemed necessary to protect the revenue, the assistant regional commissioner may require the submission of other evidence of exportation as provided in § 252.166.

§ 252.165 *Evidence of lading for use on vessels or aircraft.* When beer has been laden on board a vessel or aircraft for use as ship's supplies or supplies for aircraft, there must be submitted promptly to the assistant regional commissioner an affidavit or statement made under the penalties of perjury of the master or other officer of the vessel or aircraft on which the articles were laden, having knowledge of the facts, showing that the beer has been laden and will be used as supplies on board the vessel or aircraft, and that no portion thereof has been or will be unladen in the United States or any of its territories or possessions: *Provided*, That such affidavit will not be required, in the case of any shipment, when the beer has been laden on vessels of war, or where the amount of tax on the beer does not exceed \$200 and in such case certification by the customs officer of inspection and lading for use will be considered evidence of lading or use.

§ 252.166 *Other evidence of exportation or lading for use on vessels or aircraft required.* Where the data submitted as evidence of exportation is not satisfactory to the assistant regional commissioner, or where a shipment is laden on the exporting vessel or vehicle without customs inspection, or where evidence of exportation or lading for use as supplies on vessels or aircraft as prescribed in this part, is not filed, the assistant regional commissioner of the region from which the beer was shipped will require the brewer to furnish other evidence of exportation, lading for use as supplies on vessels or aircraft, or proof of loss on land or at sea, as provided in this part.

§ 252.167 *Application for relief.* When a brewer, from causes beyond his control, is unable to furnish the evidence required by § 252.164 or § 252.165 he may file an application for relief setting forth the reasons why such evidence cannot be obtained. The applica-

tion must recite the facts connected with the shipment showing the date and lot number of the shipment, the kind and quantity of the beer shipped, the name of the consignee, the name of the port to which shipment was made, the name of the export carrier, or vessel or aircraft to which consigned and such other identifying information available. The application shall also show that failure to furnish the required evidence was not due to any lack of diligence on the part of the applicant or his agents, and that he is unable to produce any better evidence than that submitted with his application.

§ 252.168 *Evidence to support application.* Each application for relief shall be supported by such collateral evidence as the brewer is able to submit. The evidence may consist of original or verified copies of letters from consignees acknowledging receipt of the shipment, the sales accounts and payments for the shipments, copies of delivering carriers' bills whereon consignees have acknowledged receipt of shipments, affidavits of insurance companies, masters of vessels, railroad officials, and others having knowledge of losses on land or sea after exportation, or any other competent evidence the brewer is able to obtain. Letters and documents in a foreign language must be accompanied by sworn translations and when the letters fail to identify sufficiently the goods the original sales account must be produced.

§ 252.169 *Assistant regional commissioner's action on application.* The assistant regional commissioner receiving such application and evidence shall examine same and endorse thereon his approval or disapproval and if satisfied as to its validity will allow the claim for drawback.

#### SUBPART F—DOMESTIC ALCOHOL USED IN THE MANUFACTURE OF FLAVORING EXTRACTS, MEDICINAL OR TOILET PREPARATIONS, ETC.

§ 252.180 *Drawback authorized.* Upon the exportation of flavoring extracts, medicinal or toilet preparations (including perfumery) manufactured or produced in the United States in part from domestic alcohol, there shall be allowed a drawback equal in amount to the internal revenue tax found to have been paid on the alcohol so used.

§ 252.181 *Customs procedure.* Exporters of extracts, medicinal or toilet preparations (including perfumery) manufactured or produced in the United States in part from domestic alcohol, in filing claims for drawback of the internal revenue tax paid upon the alcohol so used, shall follow the procedure prescribed in Chapter I, of Title 19, of the Code of Federal Regulations.

§ 252.182 *Application for taxpaid certificate.* The exporter or manufacturer, desiring to obtain drawback, shall submit application in writing directly to the assistant regional commissioner of the region in which the alcohol was withdrawn for the issuance to the collector of customs of a taxpaid certificate. The application shall state the quantity of alcohol in taxable gallons, the serial number of each package, the serial num-

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ber of the stamp, the amount of tax paid on the alcohol, the name, registry number, and location of the warehouse, the date of withdrawal, the name of the manufacturer using the alcohol in producing the article or articles to be exported, the address of the manufacturer and of his manufacturing plant, and the port where the drawback claim will be filed. If the application is accompanied by Customs Form 7545, showing any of such data, the data so shown need not be repeated in the application.

**§ 252.183 Submission of claim.** Request for the allowance of drawback shall be addressed to the assistant regional commissioner for the region in which the product covered by the drawback claim was manufactured, and will be submitted to the collector of customs, who will forward it, together with the customs Form 4539, to the assistant regional commissioner. If Form 4539 covers alcohol used under more than one certificate on Form 646, the Form 4539 shall specify the quantity chargeable against each certificate, Form 646, and the serial number of each such certificate.

**§ 252.184 Action by assistant regional commissioner.** Upon receipt of the request for payment of drawback and the customs Form 4539, the assistant regional commissioner will examine the request and supporting documents, and allow or disallow the claim in accordance with existing law and regulations. If the claim is not allowed in full, the assistant regional commissioner will notify the claimant in writing of the reasons for any disallowance.

[F. R. Doc. 55-1318; Filed, Feb. 15, 1955; 8:52 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [47 CFR Part 3]

[Docket No. 11279; FCC 55-165]

#### RADIO BROADCAST SERVICES

#### SUBSCRIPTION TELEVISION SERVICE

In the matter of amendment of Part 3 of the Commission's rules and regulations (Radio Broadcast Services) to provide for Subscription Television Service; Docket No. 11279.

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission's present rules and regulations do not authorize subscription television operations. Television stations under our existing rules may not transmit programs for reception by the public on home receivers where such programs can be received only by those members willing to pay a specified fee. The current general practice in the television field is the indirect payment for programs by advertisers. The purpose of this proceeding is to determine whether the Commission should amend its rules and regulations to authorize television stations to transmit programs paid for directly on a subscription basis.

3. The successful operation of a subscription television system depends in large part on its ability to confine the

reception to subscribers. A number of different methods for accomplishing this objective have been devised, and the Commission has during the past five-year period authorized the experimental testing of several systems. Data with respect to the results of these experimental operations has been made available to the Commission. These methods differ principally (1) in the manner of "scrambling" the picture so that when transmitted by the station it will be unusable by the general viewing public, and (2) in the manner of collecting payments for the programs received. Three subscription television systems have received experimental authorizations from the Commission. These are: "Phonevision", developed by Zenith Radio Corporation; "Subscriber-Vision", proposed by Skiatron TV, Inc.; and "Telemeter", advanced by International Telemeter Corporation. Phonevision contemplated the use of telephone lines to transmit the correcting signal to the home receiver, with the subscriber billed by the telephone company for the various programs ordered; however, work is being done on methods for providing the decoding signal without the use of telephone lines. In the "Subscriber-Vision" system, customers would purchase punch cards which, when inserted in the receiver, would actuate the decoding apparatus. Under the "Telemeter" method, subscribers would pay for each program as it is viewed by means of a coin box attached to the receiver which would actuate the decoding apparatus.

4. Petitions for the authorization of subscription television have been filed by Zenith Radio Corporation, proponent of "Phonevision", and Skiatron TV, Inc., proponent of "Subscriber-Vision". In addition, petitions have been filed by a number of television licensees and permittees urging that rule-making proceedings be instituted looking toward the authorization of a subscription television service.<sup>1</sup>

5. The petitions presently before the Commission urge the authorization of a subscription television service. The petitioners submit that subscription television would open new vistas of entertainment and information to the industry by making available to the viewing audience programs that could not otherwise be broadcast by the various stations in light of operating economics or program restrictions. They urge that the quality of programs that would become available under subscription television would enable UHF stations and non-network stations to compete with VHF stations and network

<sup>1</sup> Zenith Radio Corporation filed a petition on February 25, 1952, urging adoption of its Phonevision system. Skiatron TV, Inc., filed a petition on September 14, 1954, with respect to Subscriber-Vision. In addition, petitions by various existing television stations supporting the adoption of subscription television have been filed by Home News Publishing Company, Pennsylvania Broadcasting Company, Stamford-Norwalk Television Corp., Connecticut Radio Foundation, Inc., Eastern Broadcasting Corporation, Big Spring Broadcasting Company, Appalachian Company, Northwest Television Company, Matta Enterprises, Peoples Broadcasting Company, and Joseph Brenner.

affiliates for a larger share of the television audience. The petitioners submit that where UHF stations can present high quality programs, through the medium of subscription television, UHF set conversions would follow as a matter of course, thereby strengthening the status of the UHF. The petitioners allege that field tests of the various subscription television systems conducted during the past several years demonstrate that a subscription television service is both technically feasible and practicable; that such a service would not conflict with the present system of television broadcasting; and that a majority of the public would be willing to make direct payments of reasonable charges for the privilege of receiving high quality television programs of a type not currently available. In addition, some of the petitions presently before us urge that subscription television be limited for a time to UHF operations, or that they be limited to small markets.

6. On November 29, 1954, Zenith Radio Corporation and Teco, Inc., filed a substitute petition concerning subscription television. Zenith and Teco now urge that the Commission (1) without further proceedings, declare that § 3.682 (transmission standards) and § 3.687 (transmitters and associated equipment) do not prohibit subscription television by a commercial television station and will not be so interpreted or applied by the Commission where the transmissions and transmitting equipment to be effected and used by a station have been approved by the Commission upon specific application therefor by a commercial television licensee; or (2) that the Commission, without further proceedings, declare that it will waive the above requirements in cases where, upon specific application by a commercial television station, the Commission has approved transmissions and transmitting equipment designed to effect a system of subscription television; or (3) that the Commission, after "simplified and limited rule-making proceedings", modify the above requirements so that the rules "expressly contemplate the rendition of subscription television service by commercial television stations where such transmissions and transmitting equipment have been approved by the Commission upon specific application therefor by the holder of a commercial television station license." Mr. Harold E. Fellows, President of the National Association of Radio and Television Broadcasters (NARTB) submitted a letter dated January 4, 1955, in connection with the Zenith-Teco petition and, although not commenting on the merits of subscription television, urges that the Commission give this matter its consideration in a full rule-making proceeding. On January 6, 1955, the Joint Committee on Toll-TV<sup>2</sup> filed an Opposition to the

<sup>2</sup> The Joint Committee on Toll-TV is an association composed of the following organizations: Allied States Association, Theatre Owners of America, Texas Drive-In Theatre Owners of Texas, Southern California Theatre Owners Association, the Kentucky Association of Theatre Owners, The Independent Theatre Owners Association of New York, and The Metropolitan Theatre Owners Association.

Zenith-Teco petition, urging that "a full public hearing" be held on the substantive matters raised by the petition.

7. The Commission does not believe that it would be appropriate at this time to authorize subscription television operations on a case-to-case basis as requested by Zenith Radio Corporation and Teco, Inc. The Commission feels that before it would adopt such a significant change as subscription television that the matter should be considered in a general rule-making proceeding in which all phases of the problem may be afforded detailed and careful consideration. In response to the petitions submitted, the Commission is instituting a subscription television rule-making proceeding, in order that all interested parties may have the opportunity of submitting their views with respect to this matter and that the Commission may be apprised of such views prior to taking further action.

8. The Commission desires that the comments submitted in this proceeding be directed to the following questions and issues and present information and data with respect to the following aspects of subscription television:

I. Questions of law:

A. Whether the Commission has the authority under the Communications Act of 1934, as amended, to authorize and regulate subscription television operations.

B. Whether subscription television constitutes "broadcasting" within the meaning of section 3 (o) of the Communications Act of 1934, as amended; and if it is not "broadcasting", whether subscription television constitutes a common carrier or other type of service, and whether the Commission has the authority to permit subscription television to employ channels assigned to television broadcasting.

C. If, under the Communications Act of 1934, as amended, the Commission does not have the authority to authorize and regulate subscription television, what amendments to the Act would be required in order to permit the Commission to authorize and regulate such a service?

D. What rules and regulations of the Commission would have to be amended in order to permit the Commission to authorize and regulate subscription television operations?

(Comments with respect to the foregoing questions of law should be submitted in the form of a brief or memorandum of law and should specify with clarity the provisions of law and legal precedents relied upon for authority.)

II. *Questions of fact:* Information and data should be submitted with respect to the following matters:

A. Technical data relating to the operation of proposed subscription television systems, including information as to the complexity and the dependability of the equipment to be employed in the systems proposed.

B. The extent, if any, of the degradation to the quality and character of the primary broadcast service, either monochrome or color, that would result from subscription television operations, as

well as any interference that would be caused by such operations to other stations on the same channel, adjacent channels, or other pertinent frequencies. Information should be included relating to any adverse effect that would be caused to receivers now in the hands of the public by subscription television operations.

C. Data relating to the cost of equipment, including the cost of necessary modification of existing transmitters and receivers for subscription television operations.

D. Data with respect to the cost of the proposed subscription television service to the viewing audience.

E. Information with respect to the means, methods and organization to be employed by the proponents of subscription television systems in their use of the television broadcast frequencies, including complete information with respect to the plans and proposals of interested persons who intend to engage in subscription television operations.

F. Information with respect to the needs of the television broadcasting industry for additional revenue and program resources that would become available through the medium of subscription television.

G. Information relating to the extent that certain information, events and entertainment are now unavailable to the public over existing television broadcast facilities including the current trends in this respect, as well as the anticipated capacity of subscription television to increase the use of television broadcast frequencies as a medium for bringing such material to the public.

H. Information relating to the anticipated nature and extent of the use of time on commercial television stations by subscription television operators.

I. Information relating to the length of time anticipated to be required for establishing subscription television in existing markets.

J. Information indicating who controls the patents on the devices to be used in transmitting and receiving equipment for subscription television; and information with respect to the arrangements that will be employed for the licensing of such patents for the competitive manufacture of subscription television equipment.

K. Information disclosing the role to be played by the motion picture industry in subscription television.

L. Information disclosing the role to be played by the networks in subscription television.

M. Information indicating who will control the production and distribution of programs to be employed in subscription television operations.

N. Information indicating the types of programs that will be available for transmission on subscription television.

III. *Questions and issues relating to public interest considerations to determine:*

A. Whether the authorization of subscription television and its regulation by the Commission would "generally encourage the larger and more effective

use of radio in the public interest" within the meaning of section 303 (g) of the Communications Act of 1934, as amended.

B. The impact that subscription television will have on advertiser-sponsored broadcasting.

C. The effect that subscription television will have on the broadcast of news and the dissemination of diverse views on controversial issues; as well as the safeguards, if any, that will be required in order to insure that the broadcast of such information will continue to be available to the public without charge.

D. The safeguards, if any, which would be necessary to insure that the public in all areas of the country will continue to be provided with well-balanced programming without charge.

E. The safeguards, if any, that would be necessary to prevent the possible monopolistic control of subscription television operations.

F. The means that should be provided, if any, to insure that subscription television service will be available to all stations on a non-discriminatory basis.

G. The nature and extent of regulation required in order to insure that the public interest would be served, both during the early stages of subscription television operations, and after the system has been established, particularly with respect to:

1. Whether subscription television operations should be limited to a single system, or whether general standards should be provided within which a number of systems can operate.

2. Whether subscription television transmissions should be limited as to the number of hours or the segment of the broadcast day; whether such operations should be permitted on more than one station in a community; whether such operations should be limited in communities with only one station in operation; etc.

3. Whether subscription television should be limited only to UHF stations, or to stations in small markets.

4. The rules, if any, that would be required to insure that the public would be protected from possible injury due to obsolescence of subscription television equipment.

5. Any other amendments of the rules and regulations that would be required to permit the operation of a subscription television service.

9. Authority for issuing this notice is contained in section 4 (i), 301, and 303 (a), (b), (e), (f), (g), (i), and (r) of the Communications Act of 1934, as amended.

10. Any interested party desiring to file written comments with respect to the above matters should submit such comments on or before May 9, 1955. Comments in reply to the original comments should be filed on or before June 9, 1955. In accordance with the provisions of § 1.764, an original and 14 copies of all comments shall be furnished to the Commission. The Commission will specify in subsequent notices such further proceedings as may be necessary, including oral

## PROPOSED RULE MAKING

hearings and the time and nature of any demonstrations or tests.

Adopted: February 10, 1955.

Released: February 11, 1955.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>5</sup>  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 55-1322; Filed, Feb. 15, 1955;  
8:53 a. m.]

[Docket No. 11280; FCC 55-166]

**I 47 CFR Part 31**

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, *Table of assignments*, rules governing television broadcast stations; Docket No. 11280.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. WKST, Inc., permittee of television station WKST-TV, operating on Channel 45 at New Castle, Pennsylvania, filed a Petition on December 27, 1954, requesting that the Table of Assignments contained in § 3.606 of the rules be amended to exchange Channels 45 and 73 between New Castle, Pennsylvania, and Youngstown, Ohio, as follows:

City	Channel No.	
	Present	Proposed
Youngstown, Ohio	21-, 27, 73-	21-, 27, 45-
New Castle, Pa.	45-	73-

Petitioner further requests that it be directed to Show Cause why its authorization should not be modified to specified operation on Channel 45 at Youngstown rather than New Castle. WKST-TV suspended operation on January 14, 1955, during the pendency of its instant petition.

3. In support of its petition, WKST notes that at the present time it holds a construction permit for a station on Channel 45 in New Castle, with studios and transmitter about 3.5 miles southeast of the city. The station has been in operation since April 15, 1953, with an effective radiated power of 17.8 kw at 370 feet. Petitioner alleges that it has operated at a loss of \$70,000, after radio profit, during the period it has been on the air, and attributes its unsuccessful operation to a number of factors. Petitioner notes that New Castle, a relatively small community compared to Youngstown, is situated about 17 miles from that city. It is contended that operating with main studios near New Castle, and being known as a New Castle station, has resulted in petitioner being unable to obtain a sufficient number of national network programs and sufficient revenue from network, national and local advertising to sustain the operation of its station. It is submitted that WKST-TV

has been unable to compete effectively with the two stations operating in Youngstown which also serve the New Castle area. Petitioner suggests that if it moves its present facilities to Youngstown and becomes a Youngstown station, it would be in a position to negotiate a basic national network affiliation agreement and to attract more national and local business. Petitioner points out that shifting Channel 45 to Youngstown would enable it to use all of its existing equipment with the exception of its antenna tower; while if it is required to operate on Channel 73 already assigned to Youngstown, it would have to spend additional capital for a new antenna and for modification or replacement of its transmitter. WKST argues that shifting Channel 45 as requested would enable it to accomplish its objective with a maximum amount of speed and a minimum of additional expense. Petitioner notes that there are a large number of receivers in the area equipped with strip tuners for Channel 45 and states that these sets would have to be modified unless petitioner continues operation on Channel 45. Petitioner concedes that certain residents in and immediately adjacent to New Castle would lose "city grade" (80 dbu or greater) service as well as the local transmission facilities now provided by its station, but urges that it would still continue to provide a service to the New Castle area from Youngstown—although with a lesser signal intensity.<sup>1</sup>

4. On January 12, 1955, WKBN Broadcasting Corporation, permittee of Station WKBN-TV on Channel 27 in Youngstown, filed an Opposition to the subject petition. WKBN urges that the assignments of Channel 73 to Youngstown and Channel 45 to New Castle were integral parts of the Commission's fair, efficient, and equitable distribution of television facilities. It is submitted that granting the requested shift in channels would relegate the listening and viewing public in New Castle to a "second class" position. WKBN contends that petitioner seeks to subordinate the public interest to its own private interest on the highly speculative ground that its financial position might be improved. On January 24, 1955, the Vindicator Printing Company, permittee of WFMJ-TV on Channel 21 in Youngstown, also filed an Opposition to the instant petition. Vindicator urges that the Commission has declined to distinguish between channels in the UHF band for assignment purposes. It is submitted that WKST can pursue its objective of becoming a Youngstown station by applying for Channel 73 presently available in that city without going through the changes requested in its Petition. Since there are two stations presently operating in Youngstown, Vindicator states that there

<sup>1</sup> On February 8, 1955, petitioner filed a Supplement to the petition stating that it is proposed to utilize such power and antenna height at a site in Youngstown; that the "city-grade" coverage would be provided over the entire city of New Castle and that the areas which now receive a high quality technical service will continue to receive this service from the operation at Youngstown.

is no necessity for making the changes requested by WKST in order to bring television service to the community. Acceptance of WKST's argument that Channel 73 is inferior to Channel 45, Vindicator argues, would contravene the principles of section 307 (b) of the Communications Act. It is urged that WKST's proposal would deprive New Castle of its only television station and would increase the number of television stations in Youngstown from two to three. It is submitted that petitioner has failed to meet the burden of demonstrating a greater need for the additional transmission facility in Youngstown than in New Castle. Vindicator asserts that even if the Commission shifts Channel 45 to Youngstown, it should not issue the Show Cause Order to WKST to shift to this frequency as requested by petitioner. If Channel 45 is shifted to Youngstown, Vindicator urges that this frequency be made available to all interested parties who might desire to apply for it. On January 24, 1955, WKST, Inc., filed a Reply to the WKBN Opposition.

5. The Commission has carefully considered the documents filed in this proceeding and is of the view that rule-making proceedings should be instituted in this matter in order that interested parties may submit their views to the Commission and the Commission may have the benefit of such views prior to taking final action.

6. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), 307 (b), and 316 of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the amendments proposed by petitioner should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before March 1, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider such comments before taking final action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

8. WKST, Inc., is presently authorized to operate on Channel 45 at New Castle and the amendments proposed in this proceeding would shift this frequency to Youngstown. WKST proposes that it continue operation on this frequency by becoming a Youngstown station, with its main studio located in that community and its transmitter moved in order to provide the requisite signal over the entire city. Accordingly, WKST, Inc., is ordered to show cause in this proceeding why its outstanding authorization should not be modified to specify operation on Channel 45 at Youngstown rather than New Castle. WKST, Inc., should file

<sup>5</sup> Separate views of Commissioner Hennock filed as part of the original document.

its reply to the aforesaid show cause order on or before the date specified for filing comments in this proceeding.

9. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 10, 1955.

Released: February 11, 1955.

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

[F. R. Doc. 55-1323; Filed, Feb. 15, 1955;  
8:54 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 17 CFR Parts 55, 65 1

##### GRADING AND INSPECTION OF EGG PRODUCTS

##### NOTICE OF PROPOSED RULE MAKING

EDITORIAL NOTE: In Federal Register Document 55-1215, published at page 922 of the issue for Saturday, February 12, 1955, the bracketed notation of filing appearing at the end of the document should read "[F. R. Doc. 55-1215; Filed, Feb. 11, 1955, 8:45 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 270 1

#### COMPLETE OR PARTIAL PRO RATA DISTRIBUTIONS IN LIQUIDATION

##### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of a rule to be designated as § 270.17a-5 (Rule N-17A-5) pursuant to the Investment Company Act of 1940, particularly sections 6 (c) and 38 (a) thereof.

The rule would exclude from the terms "purchase" and "sale" as used in section 17 (a) of the act acquisitions by an affiliated person of a registered investment company, of any security or other property as a pro rata distribution to such person as a stockholder of such registered investment company or of any controlled company thereof pursuant to a plan of partial or complete liquidation of such company which provides for equal treatment to all stockholders. The Commission considers that none of the abuses against which section 17 of the act was directed are present in such a pro rata liquidation.

The text of the proposed rule is as follows:

§ 270.17a-5 *Complete or partial pro rata distributions in liquidation.* The

acquisition by any affiliated person or promoter of or principal underwriter for any registered investment company, or any affiliated person of such a person, promoter, or principal underwriter, of any security or other property as a pro rata distribution to such person, as a common stockholder of such registered investment company or of any controlled company thereof, pursuant to a plan of complete or partial liquidation of such registered investment company or controlled company, shall not be deemed to involve a sale to, or a purchase from, such liquidating company as those terms are used in section 17 (a) of the act: *Provided, however,* That the plan calls for the pro rata distribution in cash or in kind of part or all of the assets of such liquidating company among its common stockholders without giving any election to any stockholder as to the specific assets which he shall receive.

All interested persons are invited to submit data, views, and comments in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before March 7, 1955.

By the Commission.

[SEAL] ORVAL L. DUBoIS,  
Secretary.

FEBRUARY 4, 1955.

[F. R. Doc. 55-1301; Filed, Feb. 15, 1955;  
8:47 a. m.]

## NOTICES

### DEPARTMENT OF JUSTICE

#### Office of Alien Property

SIEGFRIED LIEHR ET AL.

##### NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Siegfried Liehr, Purkersdorf, Austria, Claim No. 40653; \$623.54 in the Treasury of the United States.

Oswald Liehr, Klausen Leopoldsdorf, Austria, Claim No. 40654; \$623.55 in the Treasury of the United States.

Oswald Liehr as guardian of the minor, Friedrich Bohland, Klausen Leopoldsdorf, Austria, Claim No. 40657; \$623.55 in the Treasury of the United States.

Siegfried Liehr, Oswald Liehr, Oswald Liehr as guardian of the minor, Friedrich Bohland, Claim No. 40656; \$623.55 in the Treasury of the United States, one-third thereof to each.

Siegfried Liehr, Oswald Liehr, Oswald Liehr as guardian of the minor, Friedrich Bohland, Rupert Schondorfer, Alland, Glashutten, Austria, Irene Eder, Hinterbruhl, Austria, Claim No. 40655; \$623.55 in the Treasury of the United States. 34/120ths each to Siegfried Liehr, Oswald Liehr, Oswald Liehr as guardian of the minor, Friedrich Bohland, Rupert Schondorfer, Alland, Glashutten, Austria, Irene Eder, Hinterbruhl, Austria, Claim No. 40655; \$623.55 in the Treasury of the United States.

fried Liehr, Oswald Liehr and Oswald Liehr as guardian of the minor, Friedrich Bohland, 9/120ths each to Rupert Schondorfer and Irene Eder.

Vesting Order No. 1620.

Executed at Washington, D. C., on February 10, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 55-1316; Filed, Feb. 15, 1955;  
8:51 a. m.]

##### HERIBERT HUTTER

##### NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Heribert Hutter, Wien 3, Salesianergasse 1b, Austria, Claim No. 28561; \$772.24 in the Treasury of the United States.

An undivided one-fourth interest in the following securities located in the Office of

Alien Property, Department of Justice, 101 Indiana Avenue NW, Washington 25, D. C.

500 shares Butte Copper Consolidated Mines capital stock par value 50 cents per share, or 125 of the remaining 375 shares represented by Certificate No. 25771.

2 units Cameron-Anderson Interests, par value \$25 per unit. Certificate No. 420 for 2 units.

200 shares Evangeline Oil Company capital stock, par value 50 cents per share. Certificate Nos. 16074 for 80 shares, 3783 and 7687 for 50 shares each and 11360 and 15184 for 10 shares each.

250 shares The Evangeline Petroleum Company capital stock, par value 50 cents per share. Certificate Nos. 1499 for 150 shares and 6068 for 100 shares.

325 shares Lorrain Consolidated Mines, Limited capital stock, par value \$1 per share. Certificate No. O-3934 for 325 shares.

2 units Sletz Smackover Holding Syndicate, par value \$15 per unit. Certificate No. 283 for 2/1500ths beneficial interest in oil and gas leases.

2 units Smackover Membership Lease Pool, par value \$20 per unit. Certificate Nos. 245 and 283 for one unit each.

50 units Smackover Five Gusher Pool, par value \$1 per unit. Certificate Nos. 371 for 40 units, 795 for 8 units and 652 for 2 units.

2 units Cameron-Anderson Archer-Baylor Protection Leases. Certificate No. 339 for 2/900ths interest in oil and gas leases.

1 unit Cameron-Anderson Free Fifty-Acre Lease Pool. Certificate No. 580 for 2/1000ths interest in oil and gas leases.

1 unit Cameron-Anderson Free 160 Acre Reagan County Leases. Certificate No. 130 for 25/15000ths interest in oil and gas leases.

## NOTICES

2 units Cameron-Anderson Interests pre-organization receipt Certificate No. 177 for 2 units.

1 unit Cameron-Anderson Free Twenty-Acre Seay Lease. Certificate No. 835 for 50/186000ths interest in oil and gas leases.

25 shares Apple Radio Corporation capital stock, par value \$5 per share. Certificate No. 119 for 25 shares.

200 shares The Atlantic Fruit & Sugar Company common stock, par value \$1 per share. Certificate Nos. 19407 and 19408 for 100 shares each.

40 shares Atlantic United Petroleum Company capital stock, par value \$1 per share. Certificate Nos. 1037 and 1217 for 20 shares each.

550 shares Blue Bird Oil Corporation capital stock, par value 10 cents per share. Certificate Nos. 9769 for 500 shares and 5425 for 50 shares.

150 shares Bush Consolidated Gold Mines Inc., capital stock, par value 50 cents per share. Certificate No. 170 for 150 shares.

1 share Cape May Golf Development Company capital stock, par value \$100 per share. Certificate No. 14 for 1 share.

12 95/100ths shares The Gold Dirt Mining Company capital stock, par value \$1 per share. Certificate Nos. 2540 for 4-20/100ths shares and 1928-B for 8-75/100ths shares.

25 shares Happgood Production Company capital stock, par value \$1 per share. Certificate No. 467 for 25 shares.

350 shares Intercontinent Petroleum Corporation capital stock, par value \$5 per share. Certificate Nos. N-4648, N-4649 and N-4650 for 100 shares each and NO-425 for 50 shares.

5 shares Mid-Colombia Oil and Development Company capital stock, without par value. Temporary Certificate No. T. O. 74 for 5 shares.

500 shares The Peerless Consolidated Copper Company capital stock, par value 1 cent per share. Certificate No. 842 for 500 shares.

350 shares The Rose-City Ore Company capital stock, par value 5 cents per share. Certificate No. 3542 for 350 shares.

160 shares Seafoam Mines Corporation capital stock, without par value. Certificate No. (not legible) for 160 shares.

200 shares Sunstar Oil Company capital stock, par value \$1 per share. Certificate No. 497 for 200 shares.

500 shares Unity Mines Corporation capital stock, par value \$1 per share. Certificate Nos. 2425/2429, incl., for 100 shares each.

5 units Vitek Oil & Refining Company, par value \$10 per unit. Trustee's Certificate No. 30160 for 5 units.

\$165 The Blue Bird Oil Corporation Production Bond Series "A". Certificate No. 5539 for \$15 and Certificate No. 7245 for \$150.

Executed at Washington, D. C., on February 10, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 55-1317; Filed, Feb. 15, 1955;  
8:52 a. m.]

## DEPARTMENT OF AGRICULTURE

Office of the Secretary

UTAH AND VIRGINIA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF ADDITIONAL COUNTIES CONTAINED IN DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress (42 U. S. C. 1855 et seq.), the President determined on the dates indicated

that a major disaster occasioned by drought existed in the following States:

Utah: October 19, 1954.

Virginia: November 24, 1954.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148; 19 F. R. 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, certain counties in the State of Utah were, on October 19, 1954 (19 F. R. 7119) as amended (19 F. R. 8635) and certain counties, and parts of counties, in the Commonwealth of Virginia, were, on November 24, 1954 (19 F. R. 8044), determined to be the areas affected by the major disaster by drought.

Pursuant to the aforesaid delegations, the Delineations and Certifications of Counties in the Drought Areas in the State of Utah and the Commonwealth of Virginia, as above described, are here-with amended by adding the counties, and parts of counties, as set forth below, upon the dates specified, to the major disaster areas:

## STATE OF UTAH

February 2, 1955

Wayne County; the eastern part of Garfield County which is bounded on the West by the East Fork of the Sevier River, and that part of Utah County beginning at the Salt Lake County line where the Provo Reservoir canal crosses the Jordan River then South along the Provo Reservoir canal to the end of the canal thence Easterly, excluding the irrigated land to the pumping station on the North West boundary of Utah Lake, thence south along the Western boundary of Utah Lake to Goshen Bay. Then North Easterly to the North boundary of West Mountain then South along the Strawberry High Line Lateral to a point where it intercepts the section line at the Keigley Quarry, then South on the section line to the Juab County line, then follow the boundary line of Utah County to the point of beginning, except the irrigated areas of Genola, Goshen, and Elberta.

## COMMONWEALTH OF VIRGINIA

January 26, 1955

Page County.

Done at Washington, D. C., this 10th day of February 1955.

[SEAL]

TRUE D. MORSE,  
Acting Secretary.

[F. R. Doc. 55-1307; Filed, Feb. 15, 1955;  
8:49 a. m.]

## DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

[Phoenix Area Office Redelegation Order 1]

SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES

## REDELEGATIONS OF AUTHORITY

## PART 1—GENERAL

Sec.

1.1<sup>2</sup> Appeals.

1.2 Limitations.

<sup>2</sup> NOTE: In Parts 1 and 2, the section numbers appearing to the right of the decimal correspond to the section numbers used in Order No. 551, as amended, of the Bureau of Indian Affairs.

PART 2—AUTHORITY OF SUPERINTENDENTS, SCHOOL SUPERINTENDENT, PROJECT ENGINEER, AND OFFICER IN CHARGE OF AREA FIELD OFFICE

## FUNCTIONS RELATING TO LANDS AND MINERALS

Sec.

2.11 Tax exemption certificates.

2.12 Leases and permits.

2.16 Mineral leases and permits.

## FUNCTIONS RELATING TO CREDIT MATTERS

2.120 Loan agreements and modifications.

## FUNCTIONS RELATING TO MEDICAL, HOSPITAL, AND NURSING SERVICES

2.252 Quarantine of Indians.

2.253 Commitment of insane Indians.

## PART 1—GENERAL

SECTION 1.1 Appeals. Any action taken by any Superintendent or other officer pursuant to Part 2 of this order shall be subject to the right of appeal. An appeal may be taken from the decision of such Superintendent or other officer to the Area Director, Phoenix Area Office. An appeal must be filed in writing with such Superintendent or other officer and shall be promptly transmitted by him with the record in the case to the Area Director, Phoenix Area Office. Any action taken by the Area Director pursuant to this order shall be subject to the right of appeal to the Commissioner of Indian Affairs, pursuant to section 1 (a) of Order 551, as amended, of the Bureau of Indian Affairs. Any action taken by the Commissioner of Indian Affairs pursuant to this order shall be subject to the right of appeal to the Secretary of the Interior, pursuant to section 1 (a) of Order 2508, as amended, of the Secretary of the Interior.

SECTION 1.2 Limitations. Delegations of authority made by this order are not to be construed as depriving the Area Director of the authority conferred upon him by the Commissioner of Indian Affairs.

PART 2—AUTHORITY OF SUPERINTENDENTS, SCHOOL SUPERINTENDENT, PROJECT ENGINEER, AND OFFICER IN CHARGE OF AREA FIELD OFFICE

Subject to the provisions of Part 1, Superintendents, School Superintendent, Project Engineer, and Officer in charge of Area Field Office may exercise the authority of the Area Director as indicated in this part.

## FUNCTIONS RELATING TO LANDS AND MINERALS

SECTION 2.11 Tax exemption certificates. The issuance of tax exemption certificates covering lands designated as tax exempt under the provisions of the acts of June 20, 1936 (49 Stat. 1542), as amended by the act of May 19, 1937 (25 U. S. C. 1946 ed., sec. 412a).

SECTION 2.12 Leases and permits. The approval of leases and permits of tribal and individually owned trust or restricted lands for farming, farm pasture, or business purposes, pursuant to the provisions of 25 CFR Part 171. This authority does not extend to the waiver of requirements for advertising of leases or permits or to the waiver of acreage limitations on farm and farm pasture lands.

SEC. 2.16 *Mineral leases and permits.* (a) The approval of coal, sand, gravel, pumice, and building stone leases and permits of tribal and trust or restricted individually owned lands.

(b) The authority delegated in this section does not include:

(1) Approval of leases on lands purchased or reserved for agency or school purposes.

(2) Approval of instruments providing for the payments of overriding royalty.

(3) Assignments of separate horizons or strata of the subsurface.

#### FUNCTIONS RELATING TO CREDIT MATTERS

SEC. 2.120 *Loan agreements and modifications.* (b) The approval of applications of individuals for loans (subject to availability of funds) where the total indebtedness of the applicant to the lender does not exceed \$1,500.

#### FUNCTIONS RELATING TO MEDICAL, HOSPITAL, AND NURSING SERVICES

SEC. 2.252 *Quarantine of Indians.* The quarantine of Indians refusing to submit to remedial treatment of contagious or infectious diseases, pursuant to the provisions of 25 CFR Part 84.

SEC. 2.253 *Commitment of insane Indians.* The commitment of insane Indians to State hospitals or institutions, pursuant to the provisions of 25 CFR Part 86.

F. M. HAVERLAND,  
Area Director.

Approved: February 10, 1955.

W. BARTON GREENWOOD,  
Acting Commissioner.

[F. R. Doc. 55-1294; Filed, Feb. 15, 1955;  
8:45 a. m.]

#### Bureau of Land Management

[Doc. 25]

ARIZONA

#### RESTORATION ORDER UNDER FEDERAL POWER ACT

FEBRUARY 8, 1955.

1. Pursuant to determination of the Federal Power Commission, Docket No. DA-119-Arizona, et al., and in accordance with authority delegated to me by the Director, Bureau of Land Management, by section 2.5 of Order No. 541, dated April 21, 1954 (19 F. R. 2473, 2476), it is ordered as follows:

2. Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under applicable public land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended, and as to DA-119, DA-120, DA-121, DA-122 and DA-123, subject to the stipulation that if and when the lands or any part thereof are required for power development, any

structures or improvements placed thereon which shall be found to interfere with such development, shall be removed or relocated so as to eliminate such interference without expense to the United States, its permittees or licensees.

#### GILA AND SALT RIVER MERIDIAN

T. 40 N., R. 7 E.

Sec. 2: Lots 2, 3, 4, SW $\frac{1}{4}$  NE $\frac{1}{4}$ , S $\frac{1}{2}$  NW $\frac{1}{4}$ , W $\frac{1}{2}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ .

Sec. 3: Lot 1.

Sec. 11: NE $\frac{1}{4}$ , E $\frac{1}{2}$  SE $\frac{1}{4}$ .

Sec. 12: W $\frac{1}{2}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$ .

Sec. 13: Lots 1, 2, 3, 4, SE $\frac{1}{4}$  NE $\frac{1}{4}$ , W $\frac{1}{2}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$ .

T. 40 N., R. 8 E.

Sec. 18: S $\frac{1}{2}$  NW $\frac{1}{4}$ .

The areas described total 1,131.99 acres of public land.

3. The dates and types of withdrawal together with the lands involved are tabulated below:

Date and type of withdrawal	Description of land
Power Site Reserve No. 446 of Sept. 23, 1914, 436567 "F" WJI.	T. 40 N., R. 7 E., G. & S. R. M., Sec. 13: Lots 1, 2, 3, 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ .
Power Site Reserve No. 605 by "F" May 12, 1917-----	T. 40 N., R. 8 E., G. & S. R. M., Sec. 18: S $\frac{1}{2}$ NW $\frac{1}{4}$ .
Power Site Designation No. 7 of Feb. 9, 1917-----	T. 40 N., R. 7 E., G. & S. R. M., Sec. 2: Lots 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ . Sec. 3: Lot 1. Sec. 11: NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ . Sec. 12: W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ . Sec. 13: NW $\frac{1}{4}$ NW $\frac{1}{4}$ .
	T. 40 N., R. 8 E., G. & S. R. M., Sec. 18: S $\frac{1}{2}$ NW $\frac{1}{4}$ .
	T. 40 N., R. 7 E., G. & S. R. M., Sec. 2: Lots 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ . Sec. 3: Lot 1. Sec. 11: NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ . Sec. 12: W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ . Sec. 13: Lots 1, 2, 3, 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ .
	T. 40 N., R. 8 E., G. & S. R. M., Sec. 18: S $\frac{1}{2}$ NW $\frac{1}{4}$ .

4. The subject lands lie on both sides of the Paria River, from the north line of T. 40 N., R. 7 E., to its confluence with the Colorado River, and extend in part along and adjacent to the right bank of the latter river for about a mile downstream from Lee's Ferry.

5. All of the public lands described in this order are included in withdrawal for reclamation purposes under the act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 416) and are therefore not subject to disposal under the public land laws except as that withdrawal is or may be modified to permit disposal.

6. The lands described shall be subject to application by the State of Arizona for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways in accordance with section 24 of the Federal Power Act and subject to the provisions of existing withdrawals and the special stipulation provided in paragraph two (2) of this order.

7. This order shall not otherwise become effective to change the status of such land until 10:00 a. m. m. s. t., on the 91st day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals and the terms of this order.

8. Inquiries concerning these lands shall be addressed to Manager, Arizona Land Office, Bureau of Land Manage-

ment, Room 251, Main Post Office Building, Phoenix, Arizona.

E. I. ROWLAND,  
State Supervisor.

[F. R. Doc. 55-1320; Filed, Feb. 15, 1955;  
8:52 a. m.]

#### IDAHO

#### NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An amended application, serial number Idaho 04836, for the withdrawal from all forms of appropriation under the public land laws, except mineral leasing of the lands described below was filed on November 26, 1954, by Idaho Fish and Game Department through the Fish and Wildlife Service. The purposes of the proposed withdrawal: C. J. Strike Snake River Wildlife Management Area.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, at Box No. 2237, Boise, Idaho. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the

## NOTICES

FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

## BOISE MERIDIAN

## Tract A—Crane Falls Management Area

T. 5 S., R. 5 E.,  
Sec. 21, lots 6 and 8, SW $\frac{1}{4}$  SE $\frac{1}{4}$ ;  
Sec. 22, lots 5 and 6;  
Sec. 27, lot 1, N $\frac{1}{2}$  NW $\frac{1}{4}$  and SE $\frac{1}{4}$  NW $\frac{1}{4}$ ;  
Sec. 28, N $\frac{1}{2}$  NE $\frac{1}{4}$ .

## Tract B—Loveridge Bridge Management Area

T. 6 S., R. 6 E.,  
Sec. 1, lots 1 and 2, S $\frac{1}{2}$  NW $\frac{1}{4}$ ;  
Sec. 2, SW $\frac{1}{4}$  and N $\frac{1}{2}$  SE $\frac{1}{4}$ ;  
Sec. 3, lots 3 and 4, SW $\frac{1}{4}$  NW $\frac{1}{4}$ , N $\frac{1}{2}$  SW $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
Sec. 4, S $\frac{1}{2}$  N $\frac{1}{2}$  and NE $\frac{1}{4}$  SE $\frac{1}{4}$ ;  
Sec. 5, lots 1 to 4, inclusive.

## Tract C—Other Public Lands

T. 5 S., R. 4 E.,  
Sec. 27, E $\frac{1}{2}$  SW $\frac{1}{4}$ ;  
Sec. 35, SW $\frac{1}{4}$  NE $\frac{1}{4}$ .  
T. 5 S., R. 6 E.,  
Sec. 31, lot 9, SE $\frac{1}{4}$  SW $\frac{1}{4}$ .  
T. 5 S., R. 7 E.,  
Sec. 28, lots 4 to 6, inclusive;  
Sec. 33, lot 1;  
Sec. 34, lot 2.  
T. 6 S., R. 4 E.,  
Sec. 2, lots 2 to 4, inclusive, SE $\frac{1}{4}$  NW $\frac{1}{4}$ ;  
Sec. 3, lots 1 and 2, S $\frac{1}{2}$  NE $\frac{1}{4}$ .  
T. 6 S., R. 6 E.,  
Sec. 6, lot 1.  
T. 6 S., R. 8 E.,  
Sec. 1, lot 6;  
Sec. 3, lot 12;  
Sec. 4, lots 4, 5, 8 and 9;  
Sec. 5, lot 1.

The areas described aggregate 2,498.44 acres.

The lands withdrawn shall be subject to the following stipulations:

1. The Idaho Fish and Game Department proposed to fence Tract A and Tract B above described.

2. The Idaho Fish and Game Department shall be responsible for the prevention and prompt suppression of range fires occurring within the Tract A and Tract B areas. The Department may enter into an agreement with the local officer of the Bureau of Land Management to provide for the suppression of range fires occurring within these areas. The fencing of Tracts A and B shall provide stock watering areas for livestock using the adjacent public domain. These stock watering areas will be located as follows:

(1) An open area on both sides of State Highway 51 as presently located within the NW $\frac{1}{4}$  of Section 4, T. 6 S., R. 6 E., B. M. (Tract B).

(2) Provisions shall be made to insure access to stock water in Section 3, T. 6 S., R. 6 E., B. M. (Tract B). The location of this development shall be a joint responsibility of the Fish and Game Department and the Bureau of Land Management.

(3) Portions of Lot 2 and all of Lot 1, Section 1, T. 6 S., R. 6 E., B. M. (Tract B) shall be excluded from the fenced area to insure access to stock water in the Snake River from adjacent private lands lying to the south.

3. Grazing on Management Areas, Tract A and Tract B, shall be managed by the Idaho Fish and Game Department. The Fish and Game Department shall determine the amount of use allowable and period of use, and shall set and collect any grazing fees. Grazing preference shall be given to qualified prior users or their successors, the names of such users to be furnished to the Idaho Fish and Game Department by the local officer of the Bureau of Land Management.

4. The remaining public lands withdrawn (Tract C), above described, shall not be fenced. The grazing management and issuance of licenses and permits under the provisions of the Taylor Grazing Act shall be the jurisdiction of the Bureau of Land Management. The Bureau of Land Management will be responsible for the regulation of grazing and shall continue to determine the amount of use allowable and period of use, and shall set and collect any grazing fees.

The lands described have an elevation of approximately 2450 feet, and the topography ranges from steep slopes to open flat areas. Very little of the lands are agricultural in character. They are suitable for grazing of livestock and afford access to water in the Snake River for livestock.

Portions of the lands are within power site and reclamation withdrawals, and it has been determined that the withdrawal of the lands for the purposes proposed would be consistent with the multiple uses, subject to the administration of the lands by the Bureau of Land Management for grazing purposes in cooperation with the United States Fish and Wildlife Service and the Idaho Fish and Game Department.

J. R. PENNY,  
State Supervisor.

[F. R. Doc. 55-1298; Filed, Feb. 15, 1955;  
8:46 a. m.]

## DEPARTMENT OF LABOR

## Wage and Hour Division

## LEARNER EMPLOYMENT CERTIFICATES

## ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended July 5, 1954, 19 F. R. 3326).

Anvil Brand, Inc., 146 South Hamilton Street, High Point, N. C., effective 1-31-55 to 1-30-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees, overalls, misses' and girls' shorts).

Columbus Manufacturing Co., Tabor City, N. C., effective 2-4-55 to 2-3-56; 10 learners for normal labor turnover purposes (sport shirts).

The Dantan Co., Dumas, Ark., effective 2-7-55 to 2-6-56; 5 learners for normal labor turnover purposes (ladies' play shorts).

J. Freezer & Son, Inc., Radford, Va., effective 2-18-55 to 2-17-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport and dress shirts).

Grafton Manufacturing Co., Route No. 4, Riverside Drive, Grafton, W. Va., effective 2-2-55 to 8-1-55; 25 learners for plant expansion purposes (ladies' blouses).

Hartwell Garment Co., Hartwell, Ga., effective 2-12-55 to 2-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants and shirts).

Lykens Dress Co., South Street, Lykens, Pa., effective 2-3-55 to 2-2-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Macren Shirt Corp., Lafayette, Tenn., effective 1-31-55 to 7-30-55; 40 learners for plant expansion purposes (sport shirts).

Madison Dress Co., Green and Wyoming Streets, Hazleton, Pa., effective 2-13-55 to 2-12-56; 10 learners for normal labor turnover purposes (women's dresses).

The Mountain Top Co., 220 South Church Street, Hendersonville, N. C., effective 2-4-55 to 8-3-55; 10 learners for plant expansion purposes (misses' and children's playwear).

Orangeburg Garment Co., Inc., Walhalla, S. C., effective 2-3-55 to 2-2-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton wash dresses and housecoats).

Ottenheimer Bros. Manufacturing Co., Inc., Dress Division, Victory at Second Street, Little Rock, Ark., effective 2-12-55 to 2-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's and misses' dresses).

Ottenheimer Bros. Manufacturing Co., Inc., Shirt Division, 1000 Spring Street, Little Rock, Ark., effective 2-12-55 to 2-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's, misses' and children's cotton washable blouses and jackets).

Reliance Manufacturing Co., Dixie Factory, 100 Ferguson Street, Hattiesburg, Miss., effective 2-8-55 to 2-7-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

Renovo Shirt Co., Mena, Ark., effective 2-7-55 to 8-6-55; 75 learners for plant expansion purposes (men's and boys' sport shirts).

Rival Dress Co., 110 West Blaine Street, McAdoo, Pa., effective 2-7-55 to 2-6-56; 10 learners for normal labor turnover purposes (ladies' cotton dresses).

The Roswell Co., Roswell, Ga., effective 2-7-55 to 2-6-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work pants).

The Seaford Garment Co., Seaford, Del., effective 2-13-55 to 2-12-56; 10 percent of the

total number of factory production workers for normal labor turnover purposes (men's dress shirts).

Southeastern Shirt Corp., 110 Indiana Avenue, LaFollette, Tenn., effective 2-13-55 to 2-12-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and sports shirts).

Supak & Sons Manufacturing Co., Weeks-ville Highway, Elizabeth City, N. C., effective 2-10-55 to 8-9-55; 30 learners for plant expansion purposes (learners are not authorized to be employed at subminimum wage rates in the production of children's dress coats and lined jackets) (children's and infants' snowsuits, storm coats, and dress coats, children's jackets).

Sweet-Orr & Co., Inc., 68 First Street SW., Pulaski, Va., effective 1-26-55 to 5-31-55; 30 learners for plant expansion purposes (work pants) (supplemental certificate).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952, 17 F. R. 8633).

S. Frieder & Sons Co., Greensboro, Fla., effective 1-31-55 to 1-30-56; not to exceed 10 percent of the total number of workers engaged in each of the following occupations: cigar machine operating, 320 hours, machine stripping, 180 hours, packing, cigars retailing for 6 cents or less, 160 hours, packing, cigars retailing for more than 6 cents, 320 hours; all at 65 cents an hour.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.46, as amended May 3, 1954, 19 F. R. 1761).

Owen Osborne Hosiery Mills, Inc., Gainesville, Ga., effective 2-9-55 to 2-8-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Shenandoah Knitting Mills, Inc., Shenandoah, Va., effective 2-9-55 to 2-8-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Wilkes Hosiery Mills Co., 401 F Street, North Wilkesboro, N. C., effective 1-31-55 to 1-30-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Cumberland Undergarment Co., Inc., Cumberland, Md., effective 2-9-55 to 2-8-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' undergarments, half slips and gowns).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

P & K, Inc., 122 North Dixie Highway, Monee, Ill., effective 2-1-55 to 7-31-55; 6 learners for normal labor turnover purposes, fish hook bender, 320 hours, fish hook brazers, 320 hours, all at least 65 cents an hour for the first 160 hours and at least 70 cents an hour for the remaining 160 hours (fishing tackles).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Elgee, Inc., Sabana Llana, Rio Piedras, P. R., effective 1-31-55 to 7-30-55, to employ not in excess of 10 learners in any one work day; stone setting, flower setting, soldering,

and welding, 160 hours at 37½ cents an hour (stone and flower setting on combs and barrettes).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the *FEDERAL REGISTER* pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 7th day of February 1955.

MILTON BROOKE,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 55-1300; Filed, Feb. 15, 1955;  
8:47 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11122, 11123; FCC 55M-132]

BLACKWATER VALLEY BROADCASTERS AND MULESHOE BROADCASTING CO.

STATEMENT AND ORDER SCHEDULING  
PRE-HEARING CONFERENCE

In re applications of Theodore Rozzell d/b as Blackwater Valley Broadcasters, Muleshoe, Texas, Docket No. 11122, File No. BP-9055; B. C. Dyess, Ed Holmes and R. I. McLeroy d/b as Muleshoe Broadcasting Company, Muleshoe, Texas, Docket No. 11123, File No. BP-9203; for construction permits.

*Appearances.* Harry J. Daly, on behalf of Theodore Rozzell d/b as Blackwater Valley Broadcasters; Vincent A. Pepper and Robert L. Heald, on behalf of Muleshoe Broadcasting Company; and Richard E. Ely, on behalf of the Chief of the Broadcast Bureau, Federal Communications Commission.

1. Pursuant to §§ 1.813 and 1.841 (c) of the Commission's rules, as amended, the first pre-hearing conference in the above-entitled proceeding was held before the undersigned Hearing Examiner at the offices of this Commission on January 4, 1955, at which both of the applicants and the Broadcast Bureau of the Federal Communications Commission were represented by counsel. At this pre-hearing conference counsel for Muleshoe Broadcasting Company stated on the record that due to the accidental death, on September 28, 1954, of Ed Holmes, a member of that partnership, a petition for leave to amend would be filed in the near future requesting the substitution of Mrs. Ed Holmes in the partnership in place of her deceased husband. Thereupon counsel for Blackwater Valley Broadcasters stated that he would file an opposition to this proposed petition for leave to amend. Subsequent to the close of this pre-hearing conference, on January 10, 1955, a petition for leave to amend was filed on behalf of Muleshoe Broadcasting Company to show the substitution of Mrs. Ed Holmes into that partnership replacing her deceased husband, and on January 18, 1955, an answer in opposition to the said petition was filed on behalf of Theodore Rozzell d/b as Blackwater Valley Broadcasters. Thereafter, on January 20, 1955, an oral argument was held before the undersigned Hearing Examiner on the said petition and opposition. On January 25, 1955, the Hearing Examiner issued an order granting the petition of Muleshoe Broadcasting Company, and accepting the proposed amendment. On January 28, 1955, Theodore Rozzell, d/b as Blackwater Valley Broadcasters, filed a petition for review of the Examiner's order granting the said petition for leave to amend, and on February 7, 1955, an opposition to said petition for review was filed on behalf of Muleshoe Broadcasting Company, and a comment, in effect opposing the said petition, was filed on behalf of the Chief of the Broadcast Bureau of the Federal Communications Commission. To date no action has been taken by the Commission on the petition for review and the oppositions thereto.

2. The first pre-hearing conference, held on January 4, 1955, was called pursuant to a notice issued by the Hearing Examiner, on December 20, 1954, in which fifteen topics were listed for consideration, pursuant to § 1.841 (c), supra. During the course of this pre-hearing conference agreements were reached on only a few procedural matters due to the uncertainty at that time as to whether a hearing would actually take place in the above-entitled proceeding in view of the proposal of Muleshoe Broadcasting Company to amend its application. Subsequent to the grant by the Hearing Examiner of the petition of Muleshoe Broadcasting Company for leave to amend its application, a second pre-hearing conference was held before the said Hearing Examiner at the offices of this Commission, which was attended by counsel for both applicants and the Broadcast Bureau of this Commission, for the purpose, among other things, of considering further the topics listed in the Hearing Examiner's Notice of Pre-hearing Conference issued on December 4, 1954. At this pre-hearing conference it was agreed between all of the parties to the proceeding that the Examiner should proceed with the consideration of the various procedural and substantive matters set forth in his Pre-hearing Conference Notice of December 4, 1954, and should schedule dates for the subsequent conferences required under the Commission's rules, and for the taking of testimony, in view of the uncertainty as to the time which may elapse before the Commission will act on the pending petition for review filed by Blackwater Valley Broadcasters and the oppositions thereto, and in order to expedite the proceeding. At this pre-hearing conference it was agreed that the Examiner is without jurisdiction to make determination in the absence of an evidentiary showing on the hearing record under appropriate issues on these subjects, concerning the legal, technical and financial

## NOTICES

qualifications of Muleshoe Broadcasting Company, should the Commission sustain the Examiner in his grant of its petition for leave to amend, substituting the new partner. In view of this fact, counsel for Muleshoe Broadcasting Company announced that a petition would be subsequently filed requesting the Commission to find that that partnership, as presently constituted, is legally, financially and otherwise qualified. Such a petition was subsequently filed by Muleshoe Broadcasting Company on February 8, 1955, and is now pending before the Commission. During the course of the two pre-hearing conferences, held respectively on January 4, 1955, and February 4, 1955, the following agreements and stipulations were arrived at between the parties and were accepted by the Hearing Examiner:

1. Should each applicant submit a list of public service groups and organizations contacted by its representatives, and competent testimony is submitted to show that such contacts were made, it was stipulated that such groups would be willing to cooperate with the applicant which made the contacts, unless shown to the contrary by rebuttal evidence presented by other parties.

2. Each applicant concedes that the opposing applicant will be able to obtain all equipment necessary to operate efficiently its proposed station.

3. Neither applicant proposes a network affiliation.

4. Neither applicant proposes to take depositions, unless possibly for the purpose of offering rebuttal testimony.

5. Each applicant will appropriately number and identify its own exhibits, the first exhibit for each beginning with the number "1".

6. The hearing will commence on the application having the lowest docket number, namely, that of Theodore Rozzell, d/b as Blackwater Valley Broadcasters.

7. Neither applicant will present contracts for transcription services, wire services or equipment, as it was stipulated that such services and equipment would be available to both applicants.

8. It was stipulated that proof would not be required in order to authenticate any signatures to formal contracts offered in evidence, but each applicant reserved the right to challenge the admissibility of such contracts as lacking materiality, or on other grounds.

9. The date for the exchange of the written direct cases was set for Friday, February 25, 1955; the date for the final pre-hearing conference, under § 1.841, supra, was scheduled for Friday, March 4, 1955; and the date of March 7, 1955, was retained for the taking of testimony.

*It is hereby ordered*, This 9th day of February 1955, that the course of the hearing in the above-entitled proceeding shall be governed by the procedure set forth above, unless the same shall be subsequently modified by the Examiner or the Commission for good cause shown.

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

[F. R. Doc. 55-1324; Filed, Feb. 15, 1955;  
8:54 a. m.]

[Docket Nos. 11126, 11127; FCC 55M-120]

MILDRED V. ERNST AND THERMOPOLIS  
BROADCASTING CO., INC.

ORDER SCHEDULING PRE-HEARING  
CONFERENCE

In re applications of Mildred V. Ernst, Thermopolis, Wyoming, Docket No. 11126, File No. BP-9194; Thermopolis Broadcasting Company, Inc., Thermopolis, Wyoming, Docket No. 11127, File No. BP-9294; for construction permits.

A pre-hearing conference having been held February 7, 1955, for the purpose of considering the matters specified in Section 1.813 of the Commission's rules, and it having been agreed by all parties attending the conference that March 21, 1955, would be an acceptable date for each applicant to provide all parties (including the Examiner) to the hearing with a full set of exhibits to be offered in the hearing as the direct case of the applicant as provided in § 1.841 of the Commission's rules and that March 25, 1955, would be an acceptable date for a further conference following the exchange of exhibits as provided in § 1.841 (c) of the Commission's rules;

*It is ordered*, This 7th day of February 1955, that the full sets of exhibits mentioned above shall be exchanged on Monday, March 21, 1955, and that a further conference following the exchange of such exhibits shall be held at 10:00 a. m., Friday, March 25, 1955, at Washington, D. C.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 55-1325; Filed, Feb. 15, 1955;  
8:54 a. m.]

[Docket No. 11147; FCC 55M-125]

BROADCAST GROUP, INC.

STATEMENT OF FIRST PRE-HEARING CONFERENCE AND ORDER SCHEDULING FURTHER PRE-HEARING CONFERENCE

In the matter of Broadcast Group, Inc., St. Joseph, Missouri, Docket No. 11147, File No. BP-9264; for construction permit.

The first pre-hearing conference was held in the above-entitled matter on January 26, 1955. Agreements were reached among the parties and are found to be acceptable and are approved by the Hearing Examiner as follows:

1. The parties have agreed to stipulate the engineering facts involved in Issues 1 and 2 hereof, as well as the facts involved in proposed Issues 1 and 2 as to type and character of program service proposed in the area which would gain service and that rendered by Station WREN in the proposed interference area.

2. The qualifications of their respective engineers are conceded.

3. The parties will exchange written direct cases in the office of the Hearing Examiner at 10:00 a. m., Thursday, February 10, 1955:

a. The testimony of each witness shall be prepared in narrative form and shall be submitted under the affidavit of the particular witness.

b. All narrative statements shall be prepared in doublespaced form; each page and each line shall be numbered; and carbon copies shall not be acceptable.

c. Each party shall mark each of its exhibits with its name and number. Narrative statements shall be numbered in series beginning with "1" and exhibits connected with the narrative statement shall be given the same number as the narrative statement plus an identifying letter in series, such as "Broadcast Group, Inc., No. 1-A."

4. A second pre-hearing conference shall be held at 10:00 a. m. Monday, February 14, 1955, for the purpose of presenting direct cases, affording the parties to this proceeding an opportunity to make objections thereto; signifying which, if any, of the witnesses whose direct testimony is presented each party desires to cross-examine; and for taking up such other matters as may appear necessary and desirable.

*It is ordered*, This 7th day of February 1955, that the foregoing agreements and requirements shall govern the course of the proceeding to the extent indicated unless modified by the Examiner for cause or by the Commission upon review of the Examiner's ruling.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 55-1327; Filed, Feb. 15, 1955;  
8:55 a. m.]

\* See Transcript Vol. 1, pages 1 through 41.

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

[F. R. Doc. 55-1326; Filed, Feb. 15, 1955;  
8:54 a. m.]

[Docket No. 11229; FCC 55-168]  
 ANNISTON BROADCASTING CO., INC.  
 (WHMA)

## ORDER SCHEDULING HEARING

In re application of Anniston Broadcasting Company, Inc. (WHMA), Anniston, Alabama, Docket No. 11229, File No. BP-9376, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of February 1955;

The Commission having under consideration the above-entitled application which was designated for hearing on December 8, 1954; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

*It is ordered*, That the hearing in the above-entitled proceeding be held at 10:00 a. m., April 14, 1955, in Washington, D. C.

Released: February 11, 1955.

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

[F. R. Doc. 55-1328; Filed, Feb. 15, 1955;  
 8:55 a. m.]

SECURITIES AND EXCHANGE  
 COMMISSION

[File Nos. 54-205, 59-95]

NORTH AMERICAN CO. AND UNION ELECTRIC  
 COMPANY OF MISSOURI

SUPPLEMENTAL ORDER MAKING RECITALS  
 PURSUANT TO INTERNAL REVENUE CODE OF  
 1954 AND RELEASING CERTAIN JURISDI-  
 CION WITH RESPECT TO CONSUMMATION OF  
 PLAN

FEBRUARY 10, 1955.

In the matter of The North American Company, Union Electric Company of Missouri, File No. 54-205; The North American Company, File No. 59-95.

The Commission having issued its Findings and Opinion and Order on October 31, 1952 (Holding Company Act Release No. 11530), approving a Plan for the liquidation and dissolution of The North American Company ("North American"), pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), the Commission in said Order of October 31, 1952, having reserved jurisdiction regarding, among other things, the contract to be entered into between North American and Union Electric Company of Missouri ("Union"), with respect to the assumption by Union of North American's remaining liabilities; said Plan having been joined in to the extent necessary for its consummation by Union; said Plan, on December 11, 1952, having been ordered enforced by the United States District Court for the District of New Jersey; North American having on said date declared said Plan to be effective as of January 20, 1953; said Plan having become effective; North American having effected an initial partial liquidating distribution of shares of \$10 par value common stock of Union to stockholders of North American on January 20, 1953, on the basis of one share of Union common stock with

respect to each ten shares of North American common stock held of record on December 22, 1952, and a similar second partial liquidating distribution on January 21, 1954 to stockholders of record on December 21, 1953; North American now being in the process of effecting the final liquidating distribution of 8,572,624 shares of \$10 par value common stock of Union to stockholders of North American in exchange for their North American common stock, on the basis of one share of Union common stock for each share of North American common stock surrendered;

It further appearing that in accordance with and as required by said Plan North American has proposed to transfer to Union on or about February 10, 1955 all of its then remaining assets (including 30,256 shares of \$10 par value common stock of Union not required for the final liquidating distribution of Union common stock to North American stockholders on a share-for-share basis) upon the assumption by Union of all of North American's remaining liabilities, said assets being specified and itemized in Annex A set forth below and forming part of this order;

North American having filed with the Commission a copy of the contract to be entered into with Union respecting the assumption by Union of the liabilities of North American, and the Commission deeming it appropriate to release the jurisdiction heretofore reserved over such contract; and

North American having requested the Commission to issue an appropriate order, with respect to said transfer of assets under sections 1081-1083 and section 4382 (b) (2) of the Internal Revenue Code of 1954; and the Commission deeming it appropriate and in the public interest to grant such request;

*It is hereby ordered*, That the jurisdiction heretofore reserved with regard to the contract to be entered into between North American and Union respecting the assumption by Union of the liabilities of North American be, and the same hereby is, released.

*It is further ordered and recited and the Commission finds*, That the proposed transfer on or about February 10, 1955 by North American to Union of the assets specified and itemized in Annex A set forth below and forming part of this order upon the assumption by Union of the liabilities of North American, all in connection with and as part of the liquidation and dissolution of North American and as authorized or permitted by the order of this Commission on October 31, 1952, and in obedience thereto, be executed and are necessary or appropriate to the integration or simplification required to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

*It is further ordered*, That jurisdiction be, and the same hereby is, reserved to enter such other or further orders conforming to the requirements of sections 1081-1083 and section 4382 (b) (2) of the Internal Revenue Code of 1954 as the Commission may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBoIS,  
 Secretary.

ANNEX A—ASSETS TO BE TRANSFERRED BY THE  
 NORTH AMERICAN COMPANY TO UNION ELECTRIC  
 COMPANY OF MISSOURI

## SECURITIES

Common stock of Hevi Duty Electric Company, without par value.

Certificate No.:	Number of shares
HC 2	1
HC 3	1
HC 9	1
HC 10	1
HC 6	100
HC 7	2,395
HC 8	1
	2,500

Preferred stock of Muzak Corporation, \$1,000 par value per share.

Certificate No.:	Number of shares
P-1	500

Common stock of North American Light & Power Company, \$1 par value per share.

Certificate No.:	Number of shares
TU 7	80,700
TU 8	892,130
TU 15	838,334
TU 17	10,000
TU 18	10,000
TU 19	10,000
TU 20	10,000
TU 21	10,000
TU 22	10,000
TU 23	10,000
TU 24	10,000
TU 25	10,000
TU 26	10,000
TU 27	10,000
TU 28	10,000
TU 29	10,000
TU 30	2,168
TU 48	643,661
TU 49	64,046
TU 353	9,371
O34606	2
18409	100
18410	100
18411	100
18412	100
O36345	4
O36838	5,400
O37461	2,665,806
O37466	45
	5,327,067

Common stock of Union Electric Company of Missouri, \$10 par value per share.

Certificate No.:	Number of shares
TNB 1320	30,256

## OTHER ASSETS

Cash	\$415,600
Accounts receivable	37,000
Open account receivable from Anchor Manufacturing Co.	25,000
Office furniture and equipment	1
Royalty Agreement dated May 31, 1939, between Associated Music Publishers, Inc., Breitkopf Publications, Inc., Muzak Corp., AMP Recording Studio, Inc., and The North American Co., as amended Feb. 1, 1941, and Feb. 1, 1945	-----
Settlement Agreement dated Aug. 25, 1935, between Wired Radio, Inc., and Communications Patients, Inc., assigned by Wired Radio, Inc., to The North American Co., Apr. 1, 1940	-----

[F. R. Doc. 55-1305; Filed, Feb. 15, 1955;  
 8:48 a. m.]

## NOTICES

[File No. 70-3319]

MISSISSIPPI VALLEY GENERATING CO. ET AL.  
ORDER APPROVING ISSUANCE AND SALE AND  
ACQUISITION OF COMMON STOCK OF NEW  
OPERATING COMPANY

FEBRUARY 9, 1955.

In the matter of Mississippi Valley Generating Company, Middle South Utilities, Inc., The Southern Company; File No. 70-3319.

Middle South Utilities, Inc. ("Middle South"), and The Southern Company ("Southern"), both registered holding companies, and Mississippi Valley Generating Company ("MVG") having filed a joint application-declaration pursuant to sections 6 (b), 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") proposing the issuance and sale by MVG of new common stock and the acquisition of such stock by Middle South and Southern;

After appropriate notice, and public hearings having been held before the Commission at which there appeared the applicants-declarants, the Division of Corporate Regulation, the State of Tennessee, and a number of municipalities and state agencies as well as certain rural electric cooperatives, and thereafter proposed findings, briefs and statements of views having been filed, and the Commission having heard oral argument;

The Commission having this day issued its Findings and Opinion herein, on the basis of said Findings and Opinion;

*It is ordered.* That the aforesaid joint application-declaration be, and it hereby is, granted and permitted to become effective, subject to the continuing jurisdiction of the Commission under the act to take such further action as it may deem appropriate, and subject to conditions contained in Rule U-24, and further subject to the following additional reservations of jurisdiction:

(a) Jurisdiction is reserved to pass upon the definitive terms of debt securities proposed to be issued by MVG, and to consider any other appropriate matters in connection with such issuance;

(b) Jurisdiction is reserved to pass upon all fees and expenses, including legal fees, in connection with the proposed transactions;

(c) Jurisdiction is reserved to pass upon the accounting treatment by Middle South of its proposed investment in MVG.

By the Commission.

[SEAL] ORVAL L. DUBoIS,  
Secretary.

[F. R. Doc. 55-1303; Filed, Feb. 15, 1955;  
8:47 a.m.]

[File No. 70-3337]

JERSEY CENTRAL POWER & LIGHT CO.  
NOTICE OF FILING REGARDING ALTERATION OF  
RIGHTS OF SECURITY HOLDERS

FEBRUARY 10, 1955.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), a public-utility subsidiary of

General Public Utilities Corporation ("GPU"), a registered holding company, has filed a declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"). Declarant has designated sections 6 (a) and 7 of the act as applicable to said filing.

All interested persons are referred to said declaration, which is on file in the offices of the Commission, for a statement of the transaction proposed therein which is summarized as follows:

Jersey Central plans to make unsecured borrowings of an amount not to exceed \$1,100,000 from one or more commercial banks, to mature in not more than nine months from the date of such borrowings, and to bear interest at the prime rate for commercial borrowings at the date such borrowings are effected. Jersey Central states that such borrowings are exempt from the provisions of sections 6 (a) and 7 of the act pursuant to the first sentence of section 6 (b) thereof. The terms of Jersey Central's loan agreement dated May 22, 1946, however, preclude any unsecured borrowings by Jersey Central in addition to its unsecured indebtedness presently outstanding, unless such restriction be waived by the holder of Jersey Central's notes outstanding under such loan agreement. In order to effect such unsecured borrowings Jersey Central proposes to obtain the waiver of said restriction, which may constitute an alteration of the rights of the holders of Jersey Central's outstanding 1 1/4 percent notes issued pursuant to the loan agreement of May 22, 1946, within the meaning of section 6 (a) (2) of the act.

Jersey Central contemplates that the borrowings to be made will be repaid out of the proceeds of its 1955 financing program which includes, among other things, the issuance and sale to GPU of 400,000 additional shares of common stock for \$4,000,000 cash. Jersey Central states that it is unable to determine at this time the date when the issuance and sale of such additional common stock can be consummated and the unsecured borrowings are intended for interim financing required in connection with its construction program.

Jersey Central estimates that its expenses in connection with the proposed transaction will not exceed \$600.

The filing states that no State commission and no Federal regulatory agency, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 23, 1955, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, which he proposes to controvert, or he may request to be notified if the Commission should order a hearing thereon. Any such request shall bear the caption of this Notice and shall be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after February 23, 1955, said declaration, as filed or as it

may hereafter be amended, may be permitted to become effective pursuant to Rule U-23 of the rules and regulations promulgated under the act, or said transaction may be exempted as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL]

ORVAL L. DUBoIS,  
Secretary.

[F. R. Doc. 55-1304; Filed, Feb. 15, 1955;  
8:48 a. m.]

INTERSTATE COMMERCE  
COMMISSION

[Notice 47]

## MOTOR CARRIER APPLICATIONS

FEBRUARY 11, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the *FEDERAL REGISTER* and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the *FEDERAL REGISTER*.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the *FEDERAL REGISTER*. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF  
PROPERTY

No. MC 200 Sub 174, RISS & COMPANY, INC., 15 West 10th Street, Kansas City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: Compressed gases in bulk, when moving in United States Government-owned trailers, for account of the Atomic Energy Commission or its cost-

type contractors, and the return movement of empty *United States Government-owned trailers*, from, to, and between all points presently authorized to be served in the performance of regular and alternate route operations in and through the States of Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, and the District of Columbia, as described in Certificates Nos. MC 200 and Subs 6, 11, 13, 17, 46, 88, 90, 94, 102, 103, 104, 105, 107, 109, 110, 112, 124, 127, 128, 132, 135, 138, 145, 152, and 153, dated June 16, 1953, March 18, 1943, August 9, 1941, March 9, 1943, January 29, 1942, January 5, 1954, March 21, 1949, November 4, 1949, September 14, 1949, February 14, 1950, August 31, 1949, January 19, 1950, July 26, 1950, April 27, 1951, January 26, 1951, November 14, 1950, April 23, 1951, June 17, 1952, February 14, 1952, March 20, 1952, July 9, 1952, October 7, 1952, January 6, 1953, February 15, 1954, October 27, 1954, and May 24, 1954, respectively.

NOTE: The authority specified above, to the extent it duplicates any authority heretofore granted to or now held by said carrier shall not be construed as granting more than one operating right.

No. MC 200 Sub 175, RISS & COMPANY, INC., 15 West 10th Street, Riss Building, Kansas City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, live poultry, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Akron, Ohio, and junction Ohio Highways 8 and 14 at Bedford, Ohio, over Ohio Highway 8, serving no intermediate points, and serving the junction of Ohio Highways 8 and 14 for purpose of joinder only, as an alternate or connecting route, in connection with carrier's regular route operations (1) between Lodi, Ohio, and Ebensburg, Pa., via Akron, Ohio, and (2) and between Cleveland, Ohio, and Deerfield, Ohio. Applicant is authorized to conduct operations in Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, and the District of Columbia.

No. MC 200 Sub 176, RISS & COMPANY, INC., Riss Building, 15 West 10th Street, Kansas City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, live poultry, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Toledo, Ohio, and Cleveland, Ohio, from Toledo, Ohio, over Ohio Highway 120 to junction U. S. Highway 20, thence over U. S. Highway 20 through Bellevue, Ohio, to junction Ohio Highway 113, thence over Ohio Highway 113 via Birmingham, and Elyria, Ohio, to Cleve-

land, Ohio, and return over the same route, serving no intermediate points, as an alternate route, in connection with the carrier's regular route operations between Chicago, Ill., and Cleveland, Ohio, via Toledo, Ohio. Applicant is authorized to conduct operations in Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, and the District of Columbia.

No. MC 200 Sub 177, RISS & COMPANY, INC., Riss Building, 15 West 10th Street, Kansas City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Dallas, Tex., and Fort Worth, Tex., over U. S. Highway 80, serving no intermediate points, as an alternate route, in connection with the carrier's regular route operations between Dallas and Fort Worth, Tex., via Grapevine, Tex. Applicant is authorized to conduct operations in Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, and the District of Columbia.

No. MC 303 Sub 4, LEWIS E. GUERIN, JR., doing business as DOVER TRUCKING CO., Box 285, Dover, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Composite cans*, from Rockaway, N. J. to points within 150 miles of Rockaway, N. J., Boston, Mass. and Baltimore, Md., and *damaged shipments* on return; *paper*, coated, from York, Pa. to Rockaway, N. J. (restricted to transportation of paper used in the manufacture of composite cans); and *plain and lithographed metals* used in the manufacture of composite cans, from Weirton, W. Va. to Rockaway, N. J.

No. MC 1151 Sub 9, PORT JERVIS TRUCKING CO., INC., 12 Orchard Street, Port Jervis, N. Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Prefabricated homes and parts thereof* from Port Jervis, N. Y., to points in Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, West Virginia and the District of Columbia, and *damaged and returned shipments or parts* on return.

No. MC 3031 Sub 6, DICKIE FREIGHT LINE, INC., P. O. Box 133, Sycamore St., Murphy, N. C. Applicant's attorney: Blaine Buchanan, 1024 James Building, Chattanooga 2, Tenn. For authority to operate as a *common carrier*, over an alternate or connecting route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk,

commodities requiring special equipment, and those injurious or contaminating to other lading, between Maryville, Tenn., and Atlanta, Ga., over presently authorized regular and alternate route (combined U. S. Highways 129 and 411) from Maryville to a point about four miles south of Maryville, thence over presently authorized alternate route (U. S. Highway 411) to junction U. S. Highway 64, thence over U. S. Highway 411 to Cartersville, Ga., thence over U. S. Highway 41 to Atlanta, Ga., and return over the same route, serving no intermediate points, for operating convenience only, in connection with regular route operations between Murphy, N. C., and Knoxville, Tenn.; Atlanta, Ga., and Murphy, N. C.; and junction U. S. Highway 76 and Georgia Highway 69, and Cleveland, Ga., and alternate route operations between Murphy, N. C., and Knoxville, Tenn. Applicant is authorized to conduct operations in Georgia, North Carolina, and Tennessee.

No. MC 3252 Sub 9, PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between points in Maine. Applicant is authorized to conduct operations in Maine, Massachusetts and New Hampshire.

No. MC 3252 Sub 10, PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between points in New Hampshire. Applicant is authorized to conduct operations in Maine, Massachusetts and New Hampshire.

No. MC 5649 Sub 16, KULP AND GORDON, INC., 370 Hall St., Phoenixville, Pa. Applicant's attorney: Paul F. Barnes, 801-804 I. B. M. Building, 226 S. 15th St., Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron ingots, steel ingots, iron billets, steel billets, iron bars, steel bars, iron scrap, and steel scrap*, between Coatesville, Pa., on the one hand, and, on the other, Baltimore, Md., together with *motion to dismiss* on (1) ground that applicant is authorized to transport said commodities under its existing authorization in Certificate No. MC 5649, dated October 29, 1948, to transport "structural steel and iron, equipment, supplies and materials, used or useful in the installation or erection of such commodities", and (2) pursuant to statements of applicant as set forth in petition, submitted simultaneously with above-referred to application and motion to dismiss, for reconsideration of the Commission's order entered on September 22, 1954, wherein it was decided pursuant to request in previously filed petition that carrier's above-referred to authorization in Certificate No. MC 5649, dated October 29, 1948, does not include transportation of the commodities specified in the instant application. Any interested person may obtain copy of the motion and also the petition, upon re-

## NOTICES

quest, from applicant's attorney and replies thereto filed by a protestant will be considered if filed with the Commission within 40 days after date of publication of notice of the filing of the application in the *FEDERAL REGISTER*. Applicant is authorized to conduct operations over regular routes in Pennsylvania and over irregular routes in New Jersey, and Pennsylvania.

NO. MC 7228 Sub 20, HOME TRANSFER & STORAGE CO., A Corporation, 408 Main Street, Mount Vernon, Wash. Applicant's attorney: J. M. Hickson, 725 Yeon Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fresh and frozen foods* of all kinds including but not limited to fresh and frozen fruit and vegetables, juices and concentrates in cans or containers, foods processed preparatory to freezing and canning and all commodities requiring refrigeration or temperature control, and *empty containers*, (1) between Skagit, Snohomish, Whatcom, King and Pierce Counties, Wash., and points in Washington east of the summit of the Cascade Mountains, (2) between points east of the summit of the Cascade Mountains in Washington and points in California, (3) between Skagit, Snohomish, Whatcom, King and Pierce Counties, Wash., and Washington, Klamath, Marion, Linn, Clackamas, Multnomah, and Benton Counties, Oreg., (4) between Washington, Klamath, Umatilla, Marion, Linn, Clackamas, Multnomah and Benton Counties, Oreg., and points in California, and (5) between Skagit, Snohomish, Whatcom, King, and Pierce Counties, Wash., and points in California. Applicant is authorized to conduct operations in California, Idaho, Oregon and Washington.

NO. MC 10761 Sub 50, TRANSAMERICAN FREIGHT LINES, INC., 1700 Waterman Avenue, Detroit 9, Mich. For authority to operate as a *common carrier*, transporting *General commodities*, except loose bulk commodities, livestock, Class A and B explosives, (except small arms ammunition) currency, bullion, commodities that are injurious or contaminating to other lading, and commodities exceeding ordinary equipment and loading facilities, serving Adrian, Mich., as an off-route point in connection with carrier's regular route operations (1) between Detroit, Mich., and Chicago, Ill., (2) between Chicago, Ill., and Cleveland, Ohio, and (3) between Detroit, Mich., and Cincinnati, Ohio. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Nebraska, New York, Ohio, and Pennsylvania.

NO. MC 29780 Sub 1, JOE A. HARRIS, doing business as HARRIS TRUCK LINE, 805 South Second Street, Raton, N. Mex. Applicant's attorney: Harold O. Waggoner, Simms Building, P. O. Box 103S, Albuquerque, N. Mex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *household goods* as defined by the Commission, but excluding articles of unusual value, Class A and B explosives, livestock, commodities

in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Clayton, N. Mex., and Abbott, N. Mex., over New Mexico Highway 58, serving the intermediate points of Gladstone and Pasamonte, N. Mex.; and (2) between Raton, N. Mex., and Abbott, N. Mex., (a) from Raton over U. S. Highway 85 to Springer, N. Mex., and thence over New Mexico Highway 58 to Abbott, and (b) from Raton over combined U. S. Highways 64 and 87 to junction unnumbered highway, approximately twelve (12) miles southeast of Raton, thence south over New Mexico unnumbered highway to Gladstone, N. Mex., and thence over New Mexico Highway 58 to Abbott, and return over the same routes, serving the intermediate points of Taylor Springs and Farley, N. Mex. Applicant is authorized to conduct operations in Colorado and New Mexico.

NO. MC 30164 Sub 27, HIGHWAY TRANSPORTATION COMPANY, INC., 43 Becket Street, Portland, Maine. Applicant's attorney: Mary E. Kelley, 84 State St., Boston 9, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank trucks, between points in Maine. Applicant is authorized to conduct operations in Maine, Massachusetts, and New Hampshire.

NO. MC 30164 Sub 28, HIGHWAY TRANSPORTATION COMPANY, INC., 43 Becket Street, Portland, Maine. Applicant's attorney: Mary E. Kelley, 84 State St., Boston 9, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank trucks, between points in New Hampshire. Applicant is authorized to conduct operations in Maine, Massachusetts, and New Hampshire.

NO. MC 31533 Sub 4, SOUTH BEND FREIGHT LINES, INC., 1200 South Olive Street, South Bend, Ind. Applicant's attorney: Ferdinand Born, 708 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: (1) *General commodities*, including *articles of unusual value*, *Class A and B explosives*, *household goods* as defined by the Commission, *commodities in bulk*, *commodities requiring special equipment*, and those injurious or contaminating to other lading, between Gary, Ind., and Michigan City, Ind., over U. S. Highway 20, serving no intermediate points, as in an alternate route in connection with applicant's regular route operations between Chicago, Ill., and South Bend, Ind., and (2) *general commodities*, except those of unusual value, Class A and B explosives, *household goods* as defined by the Commission, *commodities in bulk*, *commodities requiring special equipment*, and those injurious or contaminating to other lading, serving Vancouver, Wash., as an off-route point in connection with carrier's regular route operations between Portland, Oreg., and Springfield, Oreg. Applicant is authorized to conduct operations in Oregon.

NO. MC 76564 Sub 48, HILL LINES, INC., 1300 Grant St., Amarillo, Tex. Applicant's attorney: Donovan N. Hoover, Post Office Box 897, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over regular routes, transporting: *Compressed gas*, in cylinders, when moving on shipper owned or United States Government-owned trailers, and *shipper-owned or United States Government-owned trailers with empty gas cylinders mounted thereon*, from, to, and between all points presently authorized to be served in the performance of regular and alternate route operations in and through New Mexico, and Texas, as described in Certificates Nos. MC 76564, dated June 17, 1954, MC 76564 Sub 31, dated December 7, 1950, MC 76564 Sub 41, dated January 4, 1952, MC

NO. MC 36509 Sub 6, LOOMIS ARMORED CAR SERVICE, INC., an Oregon corporation, 114 Cherry Street, Seattle, Wash. Applicant's attorney: Peter Platten, 1035 Land Title Bldg., Philadelphia 10, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coin*, and *bullion*, for the Bureau of the Mint, U. S. Treasury Department, the Federal Reserve banks, and their respective branches, and the U. S. Treasury Department, (1) between Denver, Colo., and Los Angeles, Calif., and (2) between Denver, Colo., and Los Angeles, Calif., on the one hand, and, on the other, Seattle, Wash., Portland, Oreg., San Francisco, Calif., Helena, Mont., and Salt Lake City, Utah. Applicant is authorized to conduct operations in Oregon and Washington.

NO. MC 44914 Sub 5, R. R. BAILEY, doing business as WILLIAMETTE VALLEY TRANSFER CO., 1624 N. W. Savier Street, Portland, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A, B and C explosives, *household goods* as defined by the Commission, *commodities in bulk*, *commodities requiring special equipment*, and those injurious or contaminating to other lading, serving Vancouver, Wash., as an off-route point in connection with carrier's regular route operations between Portland, Oreg., and Dallas, Oreg. Applicant is authorized to conduct operations in Oregon.

NO. MC 65332 Sub 3, J. W. McCracken and E. E. McCracken, doing business as McCRAKEN BROTHERS MOTOR FREIGHT, P. O. Box 329, Eugene, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A, B, and C explosives, *household goods* as defined by the Commission, *commodities in bulk*, *commodities requiring special equipment*, and those injurious or contaminating to other lading, serving Vancouver, Wash., as an off-route point in connection with carrier's regular route operations between Portland, Oreg., and Springfield, Oreg. Applicant is authorized to conduct operations in Oregon.

NO. MC 76564 Sub 48, HILL LINES, INC., 1300 Grant St., Amarillo, Tex. Applicant's attorney: Donovan N. Hoover, Post Office Box 897, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over regular routes, transporting: *Compressed gas*, in cylinders, when moving on shipper owned or United States Government-owned trailers, and *shipper-owned or United States Government-owned trailers with empty gas cylinders mounted thereon*, from, to, and between all points presently authorized to be served in the performance of regular and alternate route operations in and through New Mexico, and Texas, as described in Certificates Nos. MC 76564, dated June 17, 1954, MC 76564 Sub 31, dated December 7, 1950, MC 76564 Sub 41, dated January 4, 1952, MC

76564 Sub 45, dated June 28, 1954, and MC 76564 Sub 47, dated June 25, 1954. The applicant is presently operating over all of the above-referred to presently authorized routes in the transportation of general commodities, with certain exceptions but is not presently specifically authorized to transport the commodities named in this application.

No. MC 85451 Sub 2. **BLUEBONNET EXPRESS, A CORPORATION**, 1402 Palmer St., Houston, Texas. Applicant's attorney: Albert G. Walker, 202 Capital National Bank Building, Austin, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: (a) Motion picture, still picture, and sound-producing films, (b) recording, reproducing, and amplifying devices, advertising matter, exhibits, tickets, vending machines, and supplies and materials used in connection with the operation and maintenance of theaters and places of motion-picture exhibition, when moving to or from such theaters or places of exhibition, and (c) magazines and other periodicals, between Houston, Tex., and San Antonio, Tex., from Houston over U. S. Highway 90 to San Antonio, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Texas.

No. MC 88161 Sub 43. **INLAND PETROLEUM TRANSPORTATION COMPANY, INC.**, 5047 Colorado Ave., Seattle, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: Vinegar, in bulk, in tank vehicles, between points in Washington, on the one hand, and, on the other, points in Idaho. Applicant is authorized to conduct operations in Washington and Oregon.

No. MC 88161 Sub 44. **INLAND PETROLEUM TRANSPORTATION COMPANY, INC.**, 5047 Colorado Ave., Seattle, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: Acids, chemicals, and chemicals in solution, in bulk, in tank vehicles, (1) from ports of entry on the United States-Canadian International Border located in Washington to points in Oregon, and (2) from DuPont, Wash., to points in Oregon and contaminated shipments, on return movement.

No. MC 94265 Sub 15. (Reopened-Further Hearing) **BONNEY MOTOR EXPRESS, INC.**, 2315 East Princess Anne Road, Norfolk, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Bldg., Washington 6, D. C. Instant application for authority to operate as a *common carrier*, over irregular routes, reopened for further hearing, solely with respect to the transportation of: (a) Chewing gum, bakery products, potato preparations, nuts, popcorn (not popped), flour, prepared mustard, beverage preparations, egg noodles, and (b) advertising material, advertising display racks, and premiums, for use in connection with the display and sale of the commodities described in (a) above, from Chicago, Ill., to Richmond, Va.

No. MC 95540 Sub 256. **WATKINS MOTOR LINES, INC.**, P. O. Box 785, Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. For authority to

operate as a common carrier, over irregular routes, transporting: Frozen foods, from San Carlos and McAllen, Tex., to points in Alabama, Georgia and Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin and the District of Columbia.

No. MC 99142 Sub 1. **W. EARL HUGEL**, doing business as **CIBOLA FREIGHT LINE**, 621 Fourth Avenue, Yuma, Ariz. Applicant's attorney: J. Hubert Smith, 516 Goodrich Bldg., Phoenix, Ariz. For authority to operate as a *common carrier*, over irregular routes transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cibola, Ariz., and points in Arizona within 25 miles of Cibola, on the one hand, and, on the other, Ripley and Blythe, Calif., and Yuma, Ariz. **RESTRICTION:** The authority sought herein to be restricted against any traffic between Blythe and Ripley, Calif., and Yuma, Ariz. Applicant is authorized to conduct operations in the state of Arizona under the second proviso of section 206 (a) (1) of the Interstate Commerce Act.

No. MC 103880 Sub 137. **PRODUCERS TRANSPORT, INC.**, 530 Paw Paw Ave., Benton Harbor, Mich. Applicant's attorney: Jack Goodman, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: Vegetable oil, in bulk, in tank vehicles, from Decatur, and Kankakee, Ill., Belmond, Iowa, and Bellevue, Ohio, to those ports of entry into Canada which are located in Michigan at or near Detroit, and Port Huron on or near those portions of the United States-Canadian International Boundary line situated between Michigan and Canada at or close to Detroit, Mich., and Port Huron, Mich.

No. MC 105350 Sub 10. **NORTH PARK TRANSPORTATION CO.**, A Corporation, P. O. Box 185, Walden, Colo. Applicant's attorney: Stockton, Limville & Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over regular routes, transporting: General commodities, including Class A and B explosives, and emigrant movables, but excepting commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Denver, Colo., and Kremmling, Colo., and Grand Lake, Colo., (1) from Denver over U. S. Highway 6 to Idaho Springs, Colo., (also from Denver over U. S. Highway 40 to Idaho Springs), thence over U. S. Highway 40 to Kremmling, and return over the same route, serving all intermediate points between Kremmling and Empire, Colo., and (2) from Denver to Idaho Springs as specified in (1) above, thence

over U. S. Highway 40 to junction U. S. Highway 34, approximately one mile west of Granby, Colo., thence over U. S. Highway 34 to Grand Lake, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Colorado and Wyoming.

No. MC 105556 Sub 21. **HOUCK TRANSPORT COMPANY**, a corporation, 1024 2nd Ave., North, Billings, Mont. Applicant's attorney: Franklin S. Longan, Suite 319 Securities Bldg., Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: Petroleum and petroleum products, in bulk, in tank trucks, from Dickinson, No. Dak., and points within 10 miles thereof to points in South Dakota on and north of that portion of U. S. Highway 14 extending from Rapid City, So. Dak., east to the South Dakota-Minnesota State line, and on and north of that portion of U. S. Highway 16 extending from Rapid City, So. Dak., west to the South Dakota-Wyoming State line. Applicant is authorized to conduct operations in Montana, North Dakota, Wyoming, and South Dakota.

No. MC 105920 Sub 5. **THE SQUAW TRANSIT COMPANY**, A Corporation, Brown & Polk Streets, P. O. Box 275, Coffeyville, Kans. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials and supplies, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main pipe lines, (1) between points in Kansas, on the one hand, and, on the other, points in Montana, North Dakota, South Dakota, Wyoming and Utah, and (2) between Houston, Texas, Bartlesville and Tulsa, Okla., and Coffeyville, Kans., on the one hand, and, on the other, points in Mississippi. (Carrier states it proposes coordinating the proposed authority with present authority of applicant.) Applicant is authorized to conduct operations in Colorado, Kansas, Nebraska, Oklahoma, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Missouri, New Mexico, Ohio, Texas, and West Virginia.

No. MC 107403 Sub 191 (amended) published on page 846, issue of February 9, 1955, E. BROOKE MATLACK, INC., 33rd and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 801-804 I. B. M. Building, 226 South 15th Street, Philadelphia, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: Petroleum lubricating oil, in bulk, in tank vehicles, from Bayway and Bayonne, N. J., to Kansas City, Mo., and Kansas City, Kans. Applicant is authorized to conduct operations in Delaware, the District of Columbia, Indiana, Maryland,

## NOTICES

Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia and West Virginia.

No. MC 107515 Sub 110 (reopened—Further Hearing) REFRIGERATED TRANSPORT CO., INC., 290 University Ave., S. W. Atlanta, Ga. Applicant's attorney: Allan Watkins, Grant Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Prepared or frozen dough*, (1) from Atlanta, Ga., and points within ten miles thereof, to points in Iowa, Michigan, Kansas and Ohio, and (2) between Atlanta, Ga., on the one hand, and, on the other, Dallas, Tex. Applicant is authorized to conduct operations in Georgia, Tennessee, Louisiana, Alabama, Florida, Mississippi, North Carolina, South Carolina, Indiana, Kentucky, Ohio, Oklahoma, Wisconsin, Missouri, Texas, Illinois, Michigan, Kansas, and Iowa.

No. MC 109584 Sub 16, ARIZONA-PACIFIC TANK LINES, an Arizona Corporation, 717 North Twenty-First Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Poultry feed and animal feed*, in bulk, in tank vehicles, between points in Arizona and California.

No. MC 110436 Sub 11, ROBERTSON TRANSPORT, INC., 5700 Polk, Houston, Tex. Applicant's attorney: Harry W. Patterson, San Jacinto Building, Houston 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank vehicles, from points within five (5) miles of Starks, La., including Starks, to points within five (5) miles of Evadale, Tex., including Evadale; *pulp mill liquid*, in bulk, in tank vehicles, from points within five (5) miles of Evadale, Tex., including Evadale, to Goodyear, Miss.; *black liquor skimmings*, in bulk, in tank vehicles, from points within five (5) miles of Evadale, Tex., including Evadale, Tex., to points within five (5) miles of DeRidder, La., including DeRidder, La., and *black liquor*, and *sodium sulfate*, in bulk, in tank vehicles, from points within five (5) miles of DeRidder, La., including DeRidder, to points within five (5) miles of Evadale, Tex., including Evadale.

No. MC 110525 Sub 258 (Amended) CHEMICAL TANK LINES, INC., 520 East Lancaster Ave., Downingtown, Pa. Applicant's attorney: John R. Sims, Jr., and Gerald L. Phelps, 600 Munsey Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, including but not restricted to those defined by the Commission in *Ex Parte No. MC 45*, in bulk, in tank vehicles, from points in Allegheny County, Pa., to points in Tennessee, Alabama, Illinois and Minnesota. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Texas, Virginia, West Virginia, and the District of Columbia.

No. MC 111319 Sub 2, PERCY JONES, INC., 1131 North Eastern (P. O. Box 1083), Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, materials, supplies and equipment*, incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and of petroleum refineries and gasoline plants, and *pipe, pipe line materials, machinery, and equipment*, incidental to, or used in the construction, repairing, or dismantling of gas, gasoline, oil, and water pipe lines, including the stringing of pipe, between points in Nebraska. Applicant is authorized to conduct operations in Kansas, Louisiana, New Mexico, Oklahoma, and Texas.

No. MC 111319 Sub 3, PERCY JONES, INC., 1131 North Eastern (P. O. Box 1083), Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, materials, supplies, and equipment*, incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and of petroleum refineries and gasoline plants, and *pipe, pipe line materials, machinery, and equipment*, incidental to, or used in the construction, repairing, or dismantling of gas, gasoline, oil, and water pipe lines, including the stringing of pipe, between points in Oklahoma, on the one hand, and, on the other, points in North Dakota, South Dakota and Montana. Applicant is authorized to conduct operations in Kansas, Louisiana, New Mexico, Oklahoma, and Texas.

No. MC 111319 Sub 4, PERCY JONES, INC., 1131 North Eastern (P. O. Box 1083), Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, materials, supplies, and equipment*, incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and of petroleum refineries and gasoline plants, and *pipe, pipe line materials, machinery, and equipment*, incidental to, or used in the construction, repairing, or dismantling of gas, gasoline, oil, and water pipe lines, including the stringing of pipe, between points in Nebraska, on the one hand, and, on the other, points in Oklahoma. Applicant is authorized to conduct operations in Kansas, Louisiana, New Mexico, Oklahoma, and Texas.

No. MC 111812 Sub 18, MIDWEST COAST TRANSPORT, INC., P. O. Box 707, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, between points in California, Oregon, and Washington, on the one hand, and, on the other, Bismarck,

Devils Lake, Dickinson, Fargo, Grafton, Grand Forks, Jamestown, Mandan, Minot, and Williston, N. Dak., and Baraboo, Eau Claire, Green Bay, La Crosse, Milwaukee, Poplar, and Rhinelander, Wis., and points in Minnesota.

No. MC 112713 Sub 56, YELLOW TRANSIT FREIGHT LINES, INC., 18 East Seventeenth Street, Kansas City, Mo. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *Compressed gases*, in bulk, when moving in government-owned or shipper-owned trailers, for the United States Government or its cost type contractor, and *empty gas cylinders* and *empty trailers*, between the points and over the regular routes, and to, from and between the points, and over the irregular routes, in the states of Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, Oklahoma and Texas, which applicant is now authorized, as described in Certificates Nos. MC 112713, MC 112713 Sub 1, MC 112713 Sub 2, MC 112713 Sub 3, MC 112713 Sub 4, MC 112713 Sub 5, MC 112713 Sub 6, MC 112713 Sub 7, and MC 112713 Sub 8, all of which are dated June 4, 1951, and MC 112713 Sub 10, MC 112713 Sub 14, MC 112713 Sub 21, MC 112713 Sub 27, MC 112713 Sub 29, MC 112713 Sub 41, MC 112713 Sub 45 and MC 112713 Sub 46, dated October 12, 1951, October 13, 1952, June 25, 1952, July 23, 1953, December 22, 1952, June 14, 1954, December 29, 1954, and November 10, 1954, respectively.

No. MC 112822 Sub 2, EARL BRAY, INC., Linwood and North St., P. O. Box 910, Cushing, Okla. Applicant's attorney: Erle W. Francis, Veterans of Foreign Wars Bldg., 214 West Sixth Street, Topeka, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Paraffine wax and petroleum wax*, and *petrolatum and petrolatum products*, including *petrolatum jelly*, not prepared or represented as a remedy medicine or lubricant for the human body, in bulk, in insulated tanks, and *petroleum lubricating oil*, in bulk, in tank trucks, from Ponca City, Okla., and all points within 20 miles thereof, to all points in Arkansas, Illinois, Iowa, Kentucky, Minnesota, Missouri, Nebraska and Tennessee, and *damaged shipments* on return. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, Oklahoma and Texas.

No. MC 113514 Sub 11, CHEMICAL TRANSPORTS, INC., 305 Simons Building, Dallas, Tex. Applicant's attorney: W. D. White, 17th Floor Mercantile Bank Building, Dallas 1, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ground sulphate of alumina*, in bulk, in closed hopper type vehicles, from Bastrop, La., to Snyder, Tex., and points within 15 miles thereof.

No. MC 113642 Sub 5, JAMES I. WINN, JR., doing business as WINN TRUCKING SERVICE, Horse Cave, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cheese*, from Horse Cave, Ky.,

and points within three miles thereof, to Decatur, Ga. Applicant is authorized to conduct operations in Kentucky and Virginia.

No. MC 113678 Sub 2, CURTIS, INC., 414 12th St., S. W., Washington, D. C. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat by-products*, as defined by the Commission, (1) from New York, N. Y., to Denver, Colo., and (2) from Denver, Colo., to points within a 30 mile radius of New York, N. Y., excluding New York, N. Y., and to Springfield, Mass. Applicant is authorized to conduct operations in Colorado, New York, Massachusetts, and the District of Columbia.

No. MC 115013 Sub 1, LEONARD DELUE, D. J. SEBERN, T. W. RINKER AND E. L. DELUE, a partnership, doing business as ARMORED MOTORS SERVICE, 1536 Welton St., Denver, Colo. Applicant's attorneys: Harold G. Hernly, 1624 Eye St., N. W., Washington, D. C. and James W. Wrape, Sterick Bldg., Memphis, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Money, including but not limited to coin (silver and minor), currency, bullion, securities, bonds, negotiable instruments, and other articles of unusual value*, between Denver, Colo., Dallas, El Paso, Houston, and San Antonio, Texas, Kansas City, and St. Louis, Mo., Oklahoma City, Okla., Omaha, Nebr., San Francisco, and Los Angeles, Calif., Portland, Oreg., Seattle, Wash., Helena, Mont., Salt Lake City, Utah, Chicago, Ill., Minneapolis, Minn., and Little Rock, Ark.

No. MC 115123 (Amended), published in the January 19, 1955, issue of the *FEDERAL REGISTER*, page 434. ALBERT A. SHAPIRO, doing business as VAN NUYS TRUCKING CO., 7463 Riverton Avenue, Sun Valley, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Electric switchboards and component parts thereof*, from Los Angeles, Calif., to points in Arizona and Nevada.

No. MC 115144, ROBERT D. GONYNOR, doing business as TRAILER HOME SERVICE, 131 Summer Street, Whalom District, Fitchburg, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, furnished and unfurnished, new and used, in initial and secondary movements, between Fitchburg, Mass. and points in Massachusetts within 15 miles of Fitchburg, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, Ohio, Michigan, Indiana and Illinois.

No. MC 115157, FRANCIS P. LONG, doing business as LONG COAL AND HAULING COMPANY, 128 Friendship Avenue, Duquesne, Pa. Applicant's attorney: William S. Yard, Washington Trust Building, Washington, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coal*,

*coke, cinders, and by-products thereof*, from points in Allegheny, Butler, Armstrong, Westmoreland, Indiana, Fayette, Greene and Washington Counties, Pa. to points in the Youngstown, Ohio Commercial Zone as defined by the Commission. (Applicant proposes to transport coal from the Pittsburgh Coal Company mines in above-named counties).

No. MC 115158, NORMAN H. THOMPSON, 1214 Joree Road, Valdosta, Ga. Applicant's attorney: J. Lundie Smith, P. O. Box 2, 106 West Hill Ave., Valdosta, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, rough or dressed, green, or air-dried or kiln-dried, and fence posts and poles*, pressure treated and untreated, from points in Brooks and Lowndes Counties, Ga., to all points in Florida, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, on return movements.

No. MC 115164, MILTON R. VICK, Emporia, Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Peanuts, lumber, and wood products, textiles, including raw and finished products and textile machinery*, (1) between points in Virginia and points in North Carolina, South Carolina, Maryland, Pennsylvania, Delaware, New York, and New Jersey, and (2) between points in North Carolina, and points in Virginia, South Carolina, Maryland, Pennsylvania, Delaware, New York, and New Jersey.

#### APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 668 Sub 56, INTER-CITY TRANSPORTATION CO., INC., 730 Madison Ave., Paterson, N. J. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between junction New Jersey Highway 17 and the Franklin Turnpike in Ramsey, N. J., and junction New York Highways 17 and 59 in Hillburn, N. Y., from junction New Jersey Highway 17 and the Franklin Turnpike in Ramsey, over the Franklin Turnpike to junction New York Highway 59 in Suffern, N. Y., thence over New York Highway 59 to junction New York Highways 17 and 59 in Hillburn, and return over the same route, serving all intermediate points.

NOTE: Applicant requests that the present authority to serve the junction of the Franklin Turnpike and New Jersey Highway 17, now restricted against service to New York, N. Y., via the Lincoln Tunnel, be extended for the purpose of permitting joinder of the proposed extension to the applicant's regular route at the junction of the Franklin Turnpike and New Jersey Highway 17 and permitting the transportation of passengers between points on the proposed route, on the one hand, and, on the other, New York, N. Y., via the Lincoln Tunnel. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 58915 Sub 26, LINCOLN TRANSIT CO., INC., U. S. 46, East Paterson, N. J. Applicant's attorney:

Robert E. Goldstein, 1407 Broadway, New York 18, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and baggage, and express and newspapers*, in the same vehicle with passengers, (1) between Linden and Princeton, N. J., in Linden, from the junction of U. S. Highway 9 and Park Avenue, over Park Avenue to the junction New Jersey Highway 27, thence over New Jersey Highway 27 to Princeton, and return over the same route, serving all intermediate points, (2) between Woodbridge and Metuchen, N. J., in Woodbridge from the junction of U. S. Highway 9 and New Jersey Highway 440, over New Jersey Highway 440 to junction of King George Road, thence over King George Road to the junction Amboy Avenue, thence over Amboy Avenue to junction of New Jersey Highway 27 in Metuchen, N. J., and return over the same route, serving all intermediate points, and (3) in New Brunswick, N. J., from the junction U. S. Highway 1 and New Jersey Highway 18 over New Jersey Highway 18 to the junction of New Jersey Highway 27, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 115023, (Corrected) Published on Page 151 of issue of January 5, 1955, STERLING P. DICKINSON, doing business as DICKINSON'S TAXI, 608 Washington Street, Cape May, N. J. Applicant's attorney: Charles W. Sandman, Jr., 509 Washington Street, Cape May, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, in non-scheduled door-to-door service, from Cape May, N. J., to points in the Commercial Zones, as defined by the Commission, of Philadelphia, Pa., to New York, N. Y., and the District of Columbia and return to point of origin. RESTRICTION: The service applied for to be limited to the transportation of not more than seven passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats.

No. MC 115118, FRED WILLIAMS, doing business as WILLIAMS TRANSPORTATION CO., 1414-26th Street, Newport News, Va. Applicant's attorney: Forrest B. Wall, Phillips Building, 127 Twenty-Sixth Street, Newport News, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, from Norfolk, Portsmouth, Newport News, Hampton and Warwick, Va. and points in Nansemond, Princess Anne, Isle of Wight, James City and York Counties, Va., to points in New York, Pennsylvania, New Jersey, Delaware, Maryland, North Carolina, South Carolina, Georgia, Florida, West Virginia and the District of Columbia, and return to point of origin.

No. MC 115151, CITY SERVICE CAB, INC., 29 N. N. Carolina Ave., Atlantic

## NOTICES

City, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage in the same vehicle with passengers*, in special or charter operations, from Atlantic City, N. J., to points in New York, Pennsylvania, Delaware, Connecticut, Maryland, New Jersey, and Washington, D. C., and return.

No. MC 115156, WILLIAM HARVEY CULLEN AND MARY ABBOTT CULLEN, doing business as CULLEN TAXI SERVICE, R. F. D. 1, Crisfield, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, from points in Somerset County, Md., to points in Delaware, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, and return to point of origin.

APPLICATIONS UNDER SECTION 5 AND 210  
(a) (b)

No. MC-F-5906. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS, INC., 2029 NW. Quimby St., Portland, Oreg., of the operating rights and property of DAVE M. FRANKLIN, doing business as COAST FREIGHT LINES, Box 300, Coos Bay, Oreg., and for acquisition by E. W. A. PEAKE and WANDA PEAKE, 501 Santa Rosa Drive, Palm Springs, Calif., and PEERLESS, INCORPORATED, Portland, Oreg., of control of the operating rights and property through the purchase. Applicants' attorney: Donald A. Schafer, 803 Public Service Bldg., Portland 4, Oreg. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Coos Bay, Oreg., and Crescent City, Calif., between Coquille, Oreg., and Powers, Oreg., and between Reedsport, Oreg., and Coos Bay, Oreg., serving certain intermediate and off-route points; *general commodities*, with exceptions as specified above, over irregular routes, between Bandon, Coquille, and Coos Bay, Oreg., on the one hand, and, on the other, points in Coos and Curry Counties, Oreg. Vendee is authorized to operate in Oregon, Idaho, Minnesota, Montana, Wisconsin, Washington, Nevada, North Dakota, Utah, Illinois, California and Iowa. Application has not been filed for temporary authority under section 210a (b).

No. MC-F-5907. Authority sought for purchase by SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto St., Houston, Tex., of the operating rights and property of F. A. RUSSELL, doing business as BIG BEND MOTOR FREIGHT, 1423 E. Missouri St., El Paso, Tex., and for acquisition by SOUTHERN PACIFIC COMPANY, 65 Market St., San Francisco, Calif., of control of the operating rights and property through the purchase. Person to whom correspondence is to be addressed: T. P. Kelly, 810 North San Jacinto St., Houston, Tex. Operating rights sought to be transferred: *General commodities*, with certain exceptions, not including household goods, as a *common carrier*, over regular routes, between Alpine, Tex., and

El Paso, Tex., between Marfa, Tex., and Presidio, Tex., serving all intermediate points. Vendee is authorized to operate in Texas and Louisiana. Application has not been filed for temporary authority under section 210a (b).

No. MC-F-5909. Authority sought for purchase by DAIRY TRANSPORT CO., 852 McGrath Highway, Somerville, Mass., of the operating rights and property of TEX TANK SERVICE, INC., 285 Beverly Road, Brookline, Mass., and for acquisition by LESTER J. LISHON, SR., LESTER J. LISHON, JR., DEXTER LISHON, JR., EMMA E. LISHON, PAULINE L. COWEN, and PHYLLIS L. BURLEY, Somerville, Mass., of control of the operating rights and property through the purchase. Applicants' attorneys: Benjamin B. Levenson, 11 Beacon St., Boston, Mass., and Leonard Kaplan, 75 Federal St., Boston, Mass. Operating rights sought to be transferred: *Molasses*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Boston and Everett, Mass., to Manchester, Concord, Nashua, Portsmouth, Newmarket and Keene, N. H., and points in Maine, Vermont, Rhode Island and Connecticut, from Boston, Mass., to Greenfield, N. H., and from Boston and Everett, Mass., to points in New Hampshire. Vendee is authorized to operate in New Hampshire, Maine, Vermont, Massachusetts, Connecticut and Rhode Island. Application has been filed for temporary authority under section 210a (b).

No. MC-F-5910. Authority sought for purchase by KINGSWAY TRANSPORTS LIMITED, 3540 St. Patrick St., Montreal, Quebec, Canada, of the operating rights and property of JOSEPH A. MAROON, doing business as MAROON CARTAGE COMPANY, 1717 Parent Ave., Windsor, Ontario, Canada. Applicants' attorney: S. Harrison Kahn, 726-734 Investment Bldg., Washington 5, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over irregular routes, between points in the Detroit, Mich., commercial zone as defined by the Commission, on the one hand, and, on the other, the boundary of the United States and Canada at Detroit. Vendee is authorized to operate in New York and New Jersey. Application has been filed for temporary authority under section 210a (b).

No. MC-F-5911. Authority sought for purchase by WALTER A. JUNGE, INC., P. O. Box 476, Sumner, Wash., of the operating rights and property of WALTER A. JUNGE, P. O. Box 476, Sumner, Wash., and for acquisition by WALTER A. JUNGE, Sumner, Wash., of control of the operating rights and property through the purchase. Applicants' attorney: William B. Adams, 331 Pacific Bldg., Portland 4, Oreg. Operating rights sought to be transferred: *Paper, paper products, materials, supplies and equipment, new furniture, materials and supplies, paper mill supplies, and floor coverings*, as a *contract carrier*, over regular routes, from, to, and between certain points in Oregon and Washington; *paper, paper products*, over irregular routes, from Antioch, Stockton and San

Francisco, Calif., to points in Oregon and Washington, and from Port Angeles, Port Townsend, Seattle, Sumner and Tacoma, Wash., and Portland, Oreg., to points in California. Vendee holds no authority from this Commission, but is affiliated with Seaboard Transportation Co., which is authorized to operate in California. Application has not been filed for temporary authority under section 210a (b).

No. MC-F-5912. Authority sought for control by PACIFIC INTERMOUNTAIN EXPRESS CO., 299 Adeline St., Oakland, Calif., of the operating rights and property of PUBLIC FREIGHT SYSTEM, 4908 South Alameda St., Los Angeles, Calif. Applicants' attorneys: A. S. Glikbarg, 155 Sansome St., San Francisco 4, Calif., Edward M. Berol, 100 Bush St., San Francisco 4, Calif., and Glanz & Russell, 639 South Spring St., Los Angeles 14, Calif. Operating rights sought to be controlled: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between points in the Los Angeles Commercial Zone and the Los Angeles Harbor Commercial Zone as defined by the Commission, and Fontana, Calif., serving all intermediate points and the off-route points of Wilmar, Covina, Claremont, and Kaiser, Calif.; *general commodities*, as specified above, over irregular routes, between points within 25 miles of Huntington Park, Calif., including Huntington Park. Applicant is authorized to operate in Colorado, Utah, Wyoming, California, Nevada, Idaho, Missouri, Kansas and Illinois. Application has not been filed for temporary authority under Section 210a (b).

By the Commission.

[SEAL] GEORGE W. LAIRD,  
Secretary.

[F. R. Doc. 55-1314; Filed, Feb. 15, 1955;  
8:51 a. m.]

## [4th Sec. Application 30240]

NAPHTHA FROM MOBILE, ALA., TO POINTS  
IN ALABAMA

## APPLICATION FOR RELIEF

FEBRUARY 11, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. B. Boyle, Jr., Agent for carriers parties to schedule listed below.

Commodities involved: Naphtha and naphtha distillate, in tank-car loads.

From: Mobile, Ala.

To: Albertville, Bessemer, Birmingham, Gadsden, and Pratt City, Ala.

Grounds for relief: Rail competition, circuitry, to meet intrastate rates, and to maintain rates the same as on gasoline.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. 1253, supp. 192.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from

the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] **GEORGE W. LAIRD,**  
Secretary.

[F. R. Doc. 55-1308; Filed, Feb. 15, 1955;  
8:49 a. m.]

[4th Sec. Application 30242]  
**VERMICULITE FROM TRAVELERS REST, S. C.,  
TO BOSTON, MASS.**

**APPLICATION FOR RELIEF**

FEBRUARY 11, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Vermiculite, broken, crushed or ground, carloads.

From: Travelers Rest, S. C.

To: Boston, Mass.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1346, supp. 59.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] **GEORGE W. LAIRD,**  
Secretary.

[F. R. Doc. 55-1309; Filed, Feb. 15, 1955;  
8:50 a. m.]

**FEDERAL REGISTER**

[4th Sec. Application 30242]

**PERLITE ROCK FROM SOCORRO, N. MEX., TO  
OFFICIAL TERRITORY**

**APPLICATION FOR RELIEF**

FEBRUARY 11, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Perlite rock, broken, crushed or ground, carloads.

From: Socorro, N. Mex.

To: Specified points in official territory.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 432.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] **GEORGE W. LAIRD,**  
Secretary.

[F. R. Doc. 55-1310; Filed, Feb. 15, 1955;  
8:50 a. m.]

[4th Sec. Application 30243]

**COAL FROM EASTERN KENTUCKY AND  
TENNESSEE TO NORTH CAROLINA AND  
SOUTH CAROLINA**

**APPLICATION FOR RELIEF**

FEBRUARY 11, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Bituminous coal, carloads.

From: Mines in eastern Kentucky and Tennessee.

To: Points in North Carolina and South Carolina.

Grounds for relief: Rail competition, circuity, market competition, to maintain grouping, and additional routes.

Schedules filed containing proposed rates: Louisville and Nashville Railroad Company, I. C. C. No. A-16745, supp. 54.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] **GEORGE W. LAIRD,**  
Secretary.

[F. R. Doc. 55-1311; Filed, Feb. 15, 1955;  
8:50 a. m.]

[4th Sec. Application 30244]

**COAL FROM MINES IN INNER CRESCENT AND  
OUTER CRESCENT DISTRICTS TO EAST  
ST. LOUIS (GRANITE CITY), ILL.**

**APPLICATION FOR RELIEF**

FEBRUARY 11, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Roy S. Kern, Agent, for carriers parties to Norfolk and Western Railway Company's tariff, I. C. C. No. 3379-B.

Commodities involved: Bituminous coal, and coal briquettes.

From: Mines in the Inner Crescent and Outer Crescent districts.

To: East St. Louis (Granite City), Ill.

Grounds for relief: Rail competition, circuitous routes, market competition, and additional routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing,

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upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,  
*Secretary.*

[F. R. Doc. 55-1312; Filed, Feb. 15, 1955;  
8:50 a. m.]

[4th Sec. Application 30245]

ASBESTOS SHINGLES OR SIDING FROM  
HOUSTON, TEX., TO CINCINNATI, OHIO

APPLICATION FOR RELIEF

FEBRUARY 11, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Shingles or siding, asbestos, carloads.

From: Houston, Tex.  
To: Cincinnati, Ohio.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 434.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of

the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,  
*Secretary.*

[F. R. Doc. 55-1313; Filed, Feb. 15, 1955;  
8:50 a. m.]