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requirements of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.912 (c) (19) of the Regulations Pertaining to Acreage Allotments for the 1958 Crop of Upland Cotton (22 F. R. 8137, 8278, 10004; 23 F. R. 192, 109, 335, 4468) is amended to read as follows:

(19) "Acreage planted to cotton on the farm in 1958," for purposes of determining compliance with the farm allotment, shall be the acreage seeded to cotton on the farm in 1958 and the acreage of cotton on the farm seeded prior to 1958, excluding any acreage in excess of the farm allotment which (i) is destroyed by causes beyond the producer's control prior to the expiration of the period established under § 722.928 for disposing of excess cotton acreage or (ii) is disposed of in accordance with § 722.928.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1975. Interprets or applies secs. 345, 346, 52 Stat. 50, as amended; 7 U. S. C. 1345, 1346)

Done at Washington, D. C., this 22d day of August 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

TRUE D. MORSE,  
Acting Secretary.[F. R. Doc. 58-6942; Filed, Aug. 26, 1958;  
8:55 a. m.]

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

[992.313 Amdt. 2]

## PART 992—IRISH POTATOES GROWN IN WASHINGTON

## LIMITATION OF SHIPMENTS

Pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, and upon other

available information, it is hereby found that the limitation of shipments, as hereinafter provided will tend to effectuate the declared policy of the act.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment; (3) compliance with this amendment will not require any preparation on the part of handlers which cannot be completed by the effective date; (4) a reasonable time is permitted under the circumstances, for such preparation; and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

*Order, as amended.* The provisions of § 992.313 (b) (2) (FEDERAL REGISTER July 1, 1958, 23 F. R. 5004) are hereby amended to read as follows:

(b) *Order.* (2) Except as otherwise provided in this section, during the period from August 28, 1958, through May 31, 1959, no handler shall ship potatoes of any variety if more than "slightly skinned" as such term is defined in said United States Standards for Potatoes.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.)

Dated: August 22, 1958, to become effective August 28, 1958.

[SEAL]

S. R. SMITH,  
Director,  
Fruit and Vegetable Division.[F. R. Doc. 58-6941; Filed, Aug. 26, 1958;  
8:55 a. m.]

## TITLE 10—ATOMIC ENERGY

## Chapter I—Atomic Energy Commission

## PART 112—HARDTACK NUCLEAR TEST SERIES, 1958

## DEFINITIONS; PROHIBITION

On August 25, 1958, the Atomic Energy Commission issued public notice of the disestablishment of the Hardtack nuclear test series danger area surrounding Johnston Island. The prohibitions of § 112.4 with respect to the Johnston Island danger area, as defined in § 112.3 (a) (2), are no longer necessary, and the following amendments to Part 112 are issued to effect their termination.

Inasmuch as this action is intended to relieve from, rather than to impose restrictions under regulations currently in effect, the Atomic Energy Commission

has found that general notice of proposed rule making and public procedures thereon are unnecessary and that good cause exists why this amendment should be made effective without the customary period of notice.

Pursuant to the Administrative Procedure Act, Public Law 404, 79th Congress, 2d Session, the following amendments are published as a document subject to codification, to be effective upon filing with the FEDERAL REGISTER.

1. Section 112.3 is amended as follows:

- Paragraph (a) (2) is revoked.
- Paragraph (b) is amended as follows:

(b) "Hardtack test series" means that series of nuclear tests conducted by the Atomic Energy Commission and the Department of Defense at the Eniwetok Proving Ground, within the danger area as defined in paragraph (a) of this section, which tests began in April 1958 and will end at an announced time during the calendar year 1958.

2. Section 112.4 is amended as follows:

§ 112.4 Prohibition. No United States citizen or other person who is within the scope of this part shall enter, attempt to enter, conspire to enter or remain in the danger area, as defined in § 112.3 (a), during the continuation of the Hardtack test series except with the express approval of appropriate officials of the Atomic Energy Commission or the Department of Defense.

(Sec. 161, 68 Stat. 948, as amended; 42 U. S. C. 2201. Interpret or apply secs. 2, 3, 91, 68 Stat. 921, as amended, 922, 936; 42 U. S. C. 2012, 2013, 2121. For the purpose of sec. 223, 68 Stat. 958; 42 U. S. C. 2273, § 112.4 issued under sec. 1611, 68 Stat. 949; 42 U. S. C. 2201 (1))

Dated at Germantown, Md., this 25th day of August 1958.

For the Atomic Energy Commission.

PAUL F. FOSTER,  
General Manager.

[F. R. Doc. 58-6968; Filed, Aug. 25, 1958;  
1:52 p. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

## VETERANS ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (8) is added to § 6.322 as set out below.

§ 6.322 Veterans Administration—(a) Official of the Administrator. \* \* \*

(8) The Assistant Deputy Administrator.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

## UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,  
Executive Assistant.

[F. R. Doc. 58-6936; Filed, Aug. 26, 1958;  
8:54 a. m.]

## TITLE 14—CIVIL AVIATION

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amendt. 85]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

## PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, Tervor, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

## 1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

## LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine More than 65 knots
					65 knots or less	More than 65 knots	
Silver Crown FM.....	CYS-LFR.....	Direct.....	8000	T-dn..... C-dn..... A-dn.....	300-1 400-1 500-2	300-1 400-1 500-2	200-11 300-11 400-2

Procedure turn N side NW crs, 282 Outbnd, 102 Inbnd, 8000' within 8 mi (NA beyond 8 mi due to high terrain) (non-standard due to terrain). Minimum altitude over facility on final approach crs, 6500'.

Crs and distance, facility to airport, 067—0.8.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.8 mi, climb to 7500' on 3 crs within 20 mi. or, when directed by ATC, climb to 7500' on N crs CYS LFR within 20 mi.

City, Cheyenne; State, Wyo.; Airport Name, Municipal; Elev. 6156'; Fac. Class, SBRAZ; Ident., CYS; Procedure No. 1, Amdt. 10; Eff. Date, 20 Sept. 58; Sup. Amdt. No. 2; Dated, 20 Apr. 54

Ashton Int..... Int NE crs LFR and brng 316° to DuBois LFR or DuBois VOR R-131.	IDA-LFR..... IDA-LFR (Final).....	Direct..... Direct.....	8000 5500	T-dn..... C-dn..... S-dn-20..... A-du.....	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	300-1 500-11 400-1
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Procedure turn West side NE crs, 012 Outbnd, 192 Inbnd, 6500' within 10 mi.

Minimum altitude over facility on final approach crs, 5500'.

Crs and distance, facility to airport, 108—2.2.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 mi, climb to 6500' on SW crs within 20 mi.

City, Idaho Falls; State, Idaho; Airport Name, Fanning Field; Elev. 4731'; Fac. Class, SBRAZ; Ident., IDA; Procedure No. 1, Amdt. 6; Eff. Date, 20 Sept. 58; Sup. Amdt. No. 5; Dated, 23 Apr. 55

## 2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

## ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine More than 65 knots
					65 knots or less	More than 65 knots	
CHS LFR..... CHS VOR..... Holly Hill Int.....	LOM..... LOM..... LOM (Final).....	Direct..... Direct..... Direct.....	1200	T-dn..... C-dn..... S-dn-15..... A-dn.....	300-1 400-1 400-1 800-2	300-1 400-1 400-1 800-2	200-11 300-11 400-1 800-2

Procedure turn W side NW crs, 328° Outbnd, 148° Inbnd, 1200' within 10 miles.

Minimum altitude over facility on final approach crs, 700'.

Crs and distance, facility to airport, 148°—4.4 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1800' on crs 148° within 15 miles or, when directed by ATC, turn left, climb to 1200' and return to LOM.

CAUTION: Tower 840' 10 mi. SE.

City, Charleston; State, S. C.; Airport Name, Charleston AFB/Mun.; Elev., 45'; Fac. Class, LOM; Ident., CH; Procedure No. 1, Amdt. 1; Eff. Date, 20 Sept. 58; Sup. Amdt. No. Orig. (ADF portion of Com. ILS-ADF); Dated, 1 June 57

## ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	To—	Transition	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		More than 2-engine, more than 65 knots
						2-engine or less	More than 65 knots	
Fort Smith VOR.....	LOM.....		Direct.....	1000	T-dn.....	300-1	300-1	200-1
Int 230° brng to LOM and 288° brng to Fort Smith RBN.....	LOM.....		Direct.....	1600	C-d.....	600-1	600-1	600-1½
Int 253° brng to LOM and R-090 FSM VOR.....	LOM.....		Direct.....	1600	C-n.....	600-2	600-2	600-2
Int 253° brng to LOM and 343° brng to Fort Smith RBN.....	LOM.....		Direct.....	1600	S-dn-25.....	500-1	500-1	500-1
Fort Smith RBN.....	LOM (Final).....		Direct.....	1100	A-dn.....	800-2	800-2	800-2

Procedure turn N side of crs, 073 Outbnd, 253 Inbnd, 1800' within 10 mi. Beyond 10 mi NA.  
Minimum altitude over LOM inbnd final, 1100'.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 mi after passing LOM, climb to 1800' on crs of 253° within 15 mi or, when directed by ATC, climb to 2200' direct to Fort Smith RBN.

AIR CARRIER NOTE: 300-1 required for takeoff on runways 1-19. No reduction in landing minima authorized by application of sliding scale, or for local weather conditions. No reduction in takeoff or landing minima authorized for cargo and ferry flights.

CAUTION: Water tower 611' 1 mile W of W end of Rwy 7.

City, Fort Smith; State, Ark.; Airport Name, Municipal; Elev., 465'; Fac. Class, LOM; Ident., FS; Procedure No. 1, Amdt. 7; Eff. Date, 20 Sept. 58; Sup. Amdt. No. 5 (ADF portion of Comb. ILS-ADF); Dated, 2 Nov. 57

From—	To—	Transition	Course and distance	Minimum altitude (feet)	Condition	2-engine or less	More than 65 knots	More than 2-engine, more than 65 knots
MIA VORTAC.....	LOM.....		Direct.....	1300	T-dn.....	300-1	300-1	200-1
BSV VORTAC.....	LOM.....		Direct.....	1400	C-dn.....	400-1	500-1	500-1½
MIA LFR.....	LOM (Final).....		Direct.....	600	S-dn-0R-L.....	400-1	400-1	400-1
					A-dn.....	800-2	800-2	800-2

#Right turn from South or left turn from north from MIA LFR to LOM. Not Authorized.

Procedure turn N side W crs, 266° Outbnd, 086° Inbnd, 1100' within 10 mi.

Minimum altitude over LOM on final approach crs, 600'.

Crs and distance, facility to airport, Rwy 9R: 086°—3.8 mi; Rwy 9L: 073°—4.1 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi after passing LOM, climb to 1400' on crs of 086° within 20 mi or, when directed by ATC, turn right to 180°, climb to 1400' and proceed SE on SE crs MIA LFR or R-152 MIA VOR within 20 mi.

City, Miami; State, Fla.; Airport Name, International; Elev., 9'; Fac. Class, LOM; Ident., MI; Procedure No. 1, Amdt. 6; Eff. Date, 20 Sept. 58; Sup. Amdt. No. 5 (ADF portion of Comb. ILS-ADF); Dated, 24 Nov. 55

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Transition	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		More than 2-engine, more than 65 knots
						2-engine or less	More than 65 knots	
Burlington LFR.....	BTV-VOR.....		Direct.....	2200	T-dn.....	300-1	300-1	200-1½
					C-dn.....	600-1	600-1	600-1½
					A-dn.....	800-2	800-2	800-2

Procedure turn \*W side of crs, 213° Outbnd, 033° Inbnd, 2000' within 10 mi.

\*Nonstandard to avoid high terrain East.

Minimum altitude over facility on final approach crs, 1700'.

Crs and distance, facility to airport, 033°—4.3 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi, make a left climbing turn and return to BTV-VOR at 2200'. Hold SW on BTV-VOR R-213, one-minute left turns.

City, Burlington; State, Vt.; Airport Name, Burlington Mun.; Elev., 335'; Fac. Class, VOR; Ident., BTV; Procedure No. 1, Orig.; Eff. Date, 20 Sept. 58

From—	To—	Transition	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		More than 2-engine, more than 65 knots
						2-engine or less	More than 65 knots	
Covet Int.....	ITH-VOR (Final).....		Direct.....	1600	T-dn#.....	300-1	300-1	NA
					C-dn#.....	500-1	500-1	NA
					S-dn-14.....	500-1	500-1	NA
					A-dn.....	NA	NA	NA

\*Int Ithaca VOR R-315 and Watkins Glen VOR R-039.

#Make a right turn after takeoff on Runway 14, climb on Ithaca VOR R-236 until reaching MEA.

Procedure turn West side of crs, 315° Outbnd, 135° Inbnd, 2500' within 10 mi.

Minimum altitude over facility on final approach crs, 1600'.

VOR on airport. Breakoff point to approach end of runway, 142°—1.9 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles after passing Ithaca VOR, make an immediate right climbing turn, climb to 3500' on Ithaca VOR R-315 within 10 miles.

CAUTION: High terrain and radio tower 2112' MSL 3 miles SE of airport.

NOTE: No weather reporting. No tower communications at airport. Contact Elmira, N. Y., approach control for clearance.

City, Ithaca; State, N. Y.; Airport Name, Tompkins County; Elev., 1098'; Fac. Class, VOR; Ident., ITH; Procedure No. 1, Orig.; Eff. Date, 20 Sept. 58

From—	To—	Transition	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		More than 2-engine, more than 65 knots
						2-engine or less	More than 65 knots	
					T-dn.....	300-1	300-1	200-1½
					C-dn.....	500-1	500-1	500-1½
					S-dn-14.....	400-1	400-1	400-1
					A-dn.....	800-2	800-2	800-2

Procedure turn S side of crs, 310 Outbnd, 130 Inbnd, 2500' within 10 mi.

Minimum altitude over facility on final approach crs, 2000'.

Crs and distance, facility to airport, 130—4.1 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 mi after passing MFD-VOR, climb to 2500' on R-130 within 10 miles.

City, Mansfield; State, Ohio; Airport Name, Mansfield; Elev., 1290'; Fac. Class, VOR; Ident., MFD; Procedure No. 1, Orig.; Eff. Date, 20 Sep. 58

## RULES AND REGULATIONS

## VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn..... C-d..... C-n..... A-dn.....	300-1 800-1 800-2 1000-2	300-1 800-1 800-2 1000-2	200-15 800-15 800-2 1000-2

Procedure turn E\* side crs, 342° Outbnd, 162° Inbnd, 1100' within 10 mi.

\*Nonstandard to provide separation with northbound traffic.

Minimum altitude over facility on final approach crs, 1000'.

Crs and distance facility to airport, 137—13.0.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles, climb to 1400' on R-137 within 20 miles.

MAJOR CHANGES: Revises procedure due to relocation and conversion to VORTAC.

City, Miami; State Fla.; Airport Name, International; Elev., 9'; Fac. Class, VORTAC; Ident., MIA; Procedure No. 1, Amdt 7; Eff. Date, 20 Sept. 58; Sup. Amdt. No. 8; Dated, 4 June 55

				T-dn..... C-dn..... A-dn.....	300-1 1000-1 NA	300-1 1000-1 NA	200-15 800-15 NA
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Procedure turn S side of crs, 050° Outbnd, 239° Inbnd, 2000' within 10 mi. Beyond 10 mi. NA.

Minimum altitude over facility on final approach crs, 1700'.

Crs and distance facility to airport, 239°—4.3 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi, climb to 1900' on R-240 within 20 mi.

NOTE: Public communications and weather service not available. All pilots using this procedure are requested to close their IFR flight plans immediately upon completion of approach with Tulsa Radio. If unable to do then, flight plan must be closed by commercial facilities as soon as practicable after landing.

City, Okmulgee; State, Okla.; Airport Name, Municipal; Elev., 715'; Fac. Class, VOR; Ident., OKM; Procedure No. 1, Amdt. 1; Eff. Date, 20 Sept. 58; Sup. Amdt. No. Orig.; Dated, 21 June 58

ROW LFR.....	ROW-VOR.....	Direct.....	5500	T-dn..... C-dn..... S-dn-rny 3..... A-dn.....	300-1 500-2 400-1 800-2	300-1 500-2 400-1 800-2	*200-15 200-2 200-1 800-2
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\*300-1 required runway 12.

Procedure turn \*West side of crs, 228° Outbnd, 048° Inbnd, 3500' within 10 mi. NA beyond 10 mi.

\*Nonstandard to avoid traffic conflict with Walker AFB.

Minimum altitude over facility on final approach crs, 5000.

Crs and distance facility to airport, 027—4.9.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, make a left climbing turn, climb to 3500' on R-027 within 20 mi. or, when directed by ATC, turn left, climb to 5000' on R-323 within 20 mi.

City, Roswell; State, N. Mex.; Airport Name, Roswell; Elev., 3023; Fac. Class, BVOR; Ident., ROW; Procedure No. 1, Amdt. 1; Eff. Date, 20 Sept. 58; Sup. Amdt. No. Orig.; Dated, 24 Dec. 55

#### 4. The instrument landing system procedures prescribed in § 600.400 are amended to read in part:

##### ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Charleston LFR.....	LOM.....	Direct.....	1200	T-dn.....	300-1	300-1	200-15
Charleston VOR.....	LOM.....	Direct.....	1200	C-dn.....	400-1	200-1	200-15
Holly Hill Int.....	LOM (Final)	Direct.....	1200	S-dn-158..... A-dn.....	200-15 600-2	200-15 600-2	200-15 600-2

#400—4 required when glide slope not utilized.

Procedure turn W side NW crs, 328 Outbnd, 148 Inbnd, 1200' within 10 mi.

Minimum altitude at G. S. Interception inbnd final, 1200'.

Altitude of G. S. and distance to approach end of rwy at OM, 1130—4.4; at MM, 250—0.7.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1800' on SE crs of ILS within 15 miles or, when directed by ATC, turn left, climb to 1200' and return to CHS LOM.

CAUTION: Tower 840' 10 mi SE.

City, Charleston; State, S. C.; Airport Name, Charleston AFB/Mun.; Elev., 45'; Fac. Class, ILS; Ident., ICRS; Procedure No. ILS-15, Amdt. 1; Eff. Date, 20 Sept. 58; Sup. Amdt. No. Orig. (ILS portion of Comb. ILS-ADF); Dated, 1 June 57

CYS LFR.....	LOM.....	Direct.....	7500	T-dn.....	300-1	300-1	200-15
Silver Crown P.M.	LOM.....	Direct.....	8000	C-dn.....	400-1	500-1	200-15
CYS VOR.....	LOM.....	Direct.....	7500	S-dn-ry 26..... A-dn.....	200-15 600-2	200-15 600-2	200-15 600-2

Procedure turn N side E crs, 081 Outbnd, 261 Inbnd, 7500' within 5 miles of LOM.

Minimum altitude at G. S. int inbnd, 7500'.

Altitude of G. S. and distance to appr end of rwy at OM 7500—5.1, at MM 6313—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 7500' on S crs CYS LFR or, when directed by ATC, climb to 7500' on N crs of CYS LFR or to 7500' on R-348 CYS VOR within 20 miles.

City, Cheyenne; State, Wyo.; Airport Name, Municipal; Elev., 6156'; Fac. Class, ILS; Ident., I-CYS; Procedure No. ILS-20, Amdt. 15; Eff. Date, 20 Sept. 58; Sup. Amdt. No. 14; Dated, 17 Dec. 55

## ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	To—	Transition	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
						2-engine or less	More than 2-engine	More than 65 knots
65 knots or less	More than 65 knots							
Miami VORTAC	LOM		Direct	1300	T-dn	300-1	300-1	200-1
HSY VORTAC	LOM		Direct	1400	C-dn	400-1	500-1	600-1½
Miami LFR	LOM (Final)		Direct	1100	S-dn-9R	200-1½	200-1½	200-1½
					S-dn-9L*	400-1	400-1	400-1
					A-dn	600-2	600-2	600-2

Right turn from S or left turn from N, from Miami LFR to LOM NA.

\*Crs and distance, LOM to Rwy 9L, 073°—4.1 mi.

Procedure turn N side W crs, 206 Outbd, 086 Inbd, 1100' within 10 mi (nonstandard due to traffic).

Minimum altitude at G. S. int inbd, 1100'.

Altitude of glide slope and distance to approach end of runway at OM: 1070'—3.9; at MM: 205'—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 mi after passing LOM, climb to 1400' on E crs ILS or, when directed by ATC, turn right to 180°, climb to 1400' and proceed SE on SE crs LFR or R-152 VOR within 20 mi.

City, Miami; State, Fla.; Airport Name, International; Elev., 9'; Fac. Class, ILS; Ident., IMIA; Procedure No. ILS-9, Amdt. 6; Eff. Date, 20 Sept. 58; Sup. Amdt. No. 5 (ILS portion of Comb. ILS-ADF); Dated, 24 Nov. 58

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

AUGUST 15, 1958.

[F. R. Doc. 58-6761; Filed, Aug. 26, 1958; 8:45 a. m.]

WILLIAM B. DAVIS,  
Acting Administrator of Civil Aeronautics.

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND INVESTMENT COMPANY ACT OF 1940

#### APPLICATION OF THIS PART

This amendment to § 210.1-01 (Rule 1-01) of Article I and § 210.5a-01 (Rule 5A-01) of Article 5A strikes out the reference in these rules to § 239.18 (Form S-11) because that form has been rescinded since the last printing of Part 210 (Regulation S-X).

Paragraph (a) (1) of § 210.1-01 as amended reads as follows:

§ 210.1-01 Application of this part. (a) \* \* \*

(1) Registration statements under the Securities Act of 1933, filed on Form S-1, S-2, S-3, S-4, S-5, or S-6 (§ 239.11, 239.12, 239.13, 239.14, 239.15, 239.16 of this chapter), except as otherwise specifically provided in such forms;

Paragraph (a) of § 210.5a-01 as amended reads as follows:

§ 210.5a-01 Application of §§ 210.5a-01 to 210.5a-07. \* \* \*

(a) Registration statements on Form S-2 (§ 239.12 of this chapter) or Form S-3 (§ 239.13 of this chapter), except as otherwise specifically provided in such forms, under the Securities Act of 1933;

This action is taken pursuant to the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19 (a) thereof, the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof, the Public Utility Holding Company Act of 1935, particularly sections 5 (b), 14 and 20 (a) thereof, and the Investment Company Act of 1940.

particularly sections 8, 30, 31 (c) and 38 (a) thereof.

Since the foregoing action merely deletes reference to Form S-11 which has previously been rescinded, the Commission finds that notice and procedure pursuant to the Administrative Procedure Act is not necessary. For the same reason the foregoing action may be made effective immediately. Accordingly such action shall become effective upon publication.

(Secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 38, 54 Stat. 841; 15 U. S. C. 77s, 78w, 80a-37)

By the Commission.

[SEAL] ORVAL L. DUBoIS,  
Secretary.

AUGUST 18, 1958.

[F. R. Doc. 58-6915; Filed, Aug. 26, 1958; 8:50 a. m.]

## TITLE 21—FOOD AND DRUGS

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

#### Subchapter B—Food and Food Products

#### PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

#### TOLERANCES FOR RESIDUES OF ETHYL 4,4'-DICHLOROBENZILATE

A petition was filed with the Food and Drug Administration by Geigy Agricultural Chemicals, Division of Geigy Chemical Corporation, Saw Mill River Road, Ardsley, New York, requesting the establishment of tolerances for residues of ethyl 4,4'-dichlorobenzilate (Chlorobenzilate) in or on grapefruit and tangerines.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 403 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by changing the section headnote of § 120.109 and inserting in the section the items "grapefruit" and "tangerines." As amended, § 120.109 reads as follows:

§ 120.109 Tolerances for residues of ethyl 4,4'-dichlorobenzilate. A tolerance of 5 parts per million is established for residues of ethyl 4,4'-dichlorobenzilate (Chlorobenzilate) in or on each of the following raw agricultural commodities: Apples, cantaloups, grapefruit, lemons, oranges, pears, tangerines.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

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

## RULES AND REGULATIONS

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: August 20, 1958.

[SEAL] JOHN L. HARVEY,  
Deputy Commissioner of  
Food and Drugs.

[F. R. Doc. 58-6921; Filed, Aug. 26, 1958;  
8:51 a. m.]

**PART 120—TOLERANCES AND EXEMPTIONS  
FROM TOLERANCES FOR PESTICIDE CHEMICALS  
IN OR ON RAW AGRICULTURAL COMMODITIES**

**EXEMPTION FROM REQUIREMENT OF TOLERANCE FOR RESIDUES OF CHLOROFORM**

A petition was filed with the Food and Drug Administration by the Frontier Chemical Company, Wichita, Kansas, requesting the establishment of an exemption from the requirement of a tolerance for residues of chloroform from use as a fumigant on certain grains.

Evidence in the petition and otherwise available shows that when chloroform is used as a grain fumigant as proposed in the petition, residues will not be present in the processed food ready for human consumption and that residues in animal feed will not carry through into milk or meat and will not constitute a hazard to the health of the animals.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which an exemption is being established.

After consideration of the data submitted in the petition and other relevant material which show that the exemption established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding the following new section:

**§ 120.167 Exemption from the requirement of a tolerance for residues of chloroform.** Chloroform is exempted from the requirement of a tolerance for residues, when used as a fumigant for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be ac-

companied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

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

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: August 20, 1958.

[SEAL] JOHN L. HARVEY,  
Deputy Commissioner of  
Food and Drugs.

[F. R. Doc. 58-6920; Filed, Aug. 26, 1958;  
8:51 a. m.]

**TITLE 26—INTERNAL REVENUE,  
1954**

**Chapter I—Internal Revenue Service,  
Department of the Treasury**

**Subchapter A—Income Tax**

[T. D. 6305]

**PART 1—INCOME TAX; TAXABLE YEARS  
BEGINNING AFTER DECEMBER 31, 1953**

**AMORTIZATION OF GRAIN STORAGE FACILITIES**

On July 10, 1956, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under sections 161, 162, 168, and 169, relating to itemized deductions for individuals and corporations, of the Internal Revenue Code of 1954, was published in the **FEDERAL REGISTER** (21 F. R. 5091). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations under section 169 as so published are hereby adopted subject to the change set forth below.

**PARAGRAPH 1.** Paragraph (c) of § 1.169-2 is revised.

[SEAL] RUSSELL C. HARRINGTON,  
Commissioner of Internal Revenue.

Approved: August 21, 1958.

FRED C. SCRIBNER, JR.,  
Acting Secretary of the Treasury.

The following regulations are hereby prescribed under section 169 of the Internal Revenue Code of 1954:

Sec.

1.169 Statutory provisions; amortization of grain-storage facilities.  
1.169-1 General scope of section 169.  
1.169-2 Definition of grain-storage facility.  
1.169-3 Amortization deduction.  
1.169-4 Election of amortization.  
1.169-5 Termination of amortization deduction.  
1.169-6 Adjusted basis of grain-storage facility.  
1.169-7 Depreciation of portion of grain-storage facility not subject to amortization.  
1.169-8 Life tenant and remainderman.

**AUTHORITY:** §§ 1.169 to 1.169-8, issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

**§ 1.169 Statutory provisions; amortization of grain-storage facilities.**

**Sec. 169. Amortization of grain-storage facilities—(a) Allowance of deduction—(1) Original owner.** Any person who constructs, reconstructs, or erects a grain-storage facility (as defined in subsection (d)) shall, at his

election, be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of such facility based on a period of 60 months. The 60-month period shall begin as to any such facility, at the election of the taxpayer, with the month following the month in which the facility was completed, or with the succeeding taxable year.

(2) **Subsequent owners.** Any person who acquires a grain-storage facility from a taxpayer who—

(A) Elected under subsection (b) to take the amortization deduction provided by this subsection with respect to such facility, and

(B) Did not discontinue the amortization deduction pursuant to subsection (c),

shall, at his election, be entitled to a deduction with respect to the adjusted basis (determined under subsection (e) (2)) of such facility based on the period, if any, remaining (at the time of acquisition) in the 60-month period elected under subsection (b) by the person who constructed, reconstructed, or erected such facility.

(3) **Amount of deduction.** The amortization deduction provided in paragraphs (1) and (2) shall be an amount, with respect to each month of the amortization period within the taxable year, equal to the adjusted basis of the facility at the end of such month, divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction above provided with respect to any month shall be in lieu of the depreciation deduction with respect to such facility for such month provided by section 167.

(b) **Election of amortization.** The election of the taxpayer under subsection (a) (1) to take the amortization deduction and to begin the 60-month period with the month following the month in which the facility was completed shall be made only by a statement to that effect in the return for the taxable year in which the facility was completed. The election of the taxpayer under subsection (a) (1) to take the amortization deduction and to begin such period with the taxable year succeeding such year shall be made only by a statement to that effect in the return for such succeeding taxable year. The election of the taxpayer under subsection (a) (2) to take the amortization deduction shall be made only by a statement to that effect in the return for the taxable year in which the facility was acquired. Notwithstanding the preceding three sentences, the election of the taxpayer under subsection (a) (1) or (2) may be made, under such regulations as the Secretary or his delegate may prescribe, before the time prescribed in the applicable sentence.

(c) **Termination of amortization deduction.** A taxpayer which has elected under subsection (b) to take the amortization deduction provided in subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction with respect to such facility.

(d) **Definition of grain-storage facility.** For purposes of this section, the term "grain-storage facility" means—

(1) Any corn crib, grain bin, or grain elevator, or any similar structure suitable primarily for the storage of grain, which crib,

bin, elevator, or structure is intended by the taxpayer at the time of his election to be used for the storage of grain produced by him (or, if the election is made by a partnership, produced by the members thereof); and

(2) Any public grain warehouse permanently equipped for receiving, elevating, conditioning, and loading out grain.

the construction, reconstruction, or erection of which was completed after December 31, 1952, and on or before December 31, 1956. If any structure described in clause (1) or (2) of the preceding sentence is altered or remodeled so as to increase its capacity for the storage of grain, or if any structure is converted, through alteration or remodeling, into a structure so described, and if such alteration or remodeling was completed after December 31, 1952, and on or before December 31, 1956, such alteration or remodeling shall be treated as the construction of a grain-storage facility. The term "grain-storage facility" shall include only property of a character which is subject to the allowance for depreciation provided in section 167. The term "grain-storage facility" shall not include any facility any part of which is an emergency facility within the meaning of section 168 of this title.

(e) *Determination of adjusted basis*—(1) *Original owners.* For purposes of subsection (a) (1)—

(A) In determining the adjusted basis of any grain-storage facility, the construction, reconstruction, or erection of which was begun before January 1, 1953, there shall be included only so much of the amount of the adjusted basis (computed without regard to this subsection) as is properly attributable to such construction, reconstruction, or erection after December 31, 1952; and

(B) In determining the adjusted basis of any facility which is a grain-storage facility within the meaning of the second sentence of subsection (d), there shall be included only so much of the amount otherwise included in such basis as is properly attributable to the alteration or remodeling.

If any existing grain-storage facility as defined in the first sentence of subsection (d) is altered or remodeled as provided in the second sentence of subsection (d), the expenditures for such remodeling or alteration shall not be applied in adjustment of the basis of such existing facility but a separate basis shall be computed in respect of such facility as if the part altered or remodeled were a new and separate grain-storage facility.

(2) *Subsequent owners.* For purposes of subsection (a) (2), the adjusted basis of any grain-storage facility shall be whichever of the following amounts is the smaller:

(A) The basis (unadjusted) of such facility for purposes of this section in the hands of the transferor, donor, or grantor, adjusted as if such facility in the hands of the taxpayer had a substituted basis within the meaning of section 1016 (b), or

(B) So much of the adjusted basis (for determining gain) of the facility in the hands of the taxpayer (as computed without regard to this subsection) as is properly attributable to construction, reconstruction, or erection after December 31, 1952.

(f) *Depreciation deduction.* If the adjusted basis of the grain-storage facility (computed without regard to subsection (e)) exceeds the adjusted basis computed under subsection (e), the depreciation deduction provided by section 167 shall, despite the provisions of subsection (a) (3) of this section, be allowed with respect to such grain-storage facility as if the adjusted basis for the purpose of such deduction were an amount equal to the amount of such excess.

(g) *Life tenant and remainderman.* In the case of property held by one person for life with remainder to another person, the amortization deduction provided in subsec-

tion (a) shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant.

**§ 1.169-1 General scope of section 169.** (a) Section 169 provides for the amortization of grain-storage facilities, as defined therein, over a period of 60 months. The amortization deduction is allowable at the election of the taxpayer and subject to the provisions of section 169. The amortization deduction is not only allowable to the original owner of a grain-storage facility, but may be allowable to any subsequent owner who acquires the facility from another person who elected to take the amortization deduction and had not discontinued such deduction under the statute. In the case of the original owner of a grain-storage facility the amortization period is 60 months. For a subsequent owner the amortization period is the period, if any, remaining at the time of his acquisition in the 60-month period elected by the person who completed construction, reconstruction, or erection of the grain-storage facility.

(b) *Cross-references:* For the right of estates and trusts to amortize grain-storage facilities, see section 642 (f) and the regulations thereunder. For the allowance of the amortization deduction in the case of grain-storage facilities of partnerships, see section 703 (b) and the regulations thereunder.

**§ 1.169-2 Definition of grain-storage facility**—(a) *General.* For the purpose of section 169 the term "grain-storage facility" means—

(1) Any corn crib, grain bin, or grain elevator, or any similar structure suitable primarily for the storage of grain, but only if the taxpayer at the time of his election to take the amortization deduction allowed under section 169 intends such crib, bin, elevator, or structure to be used for the storage of grain produced by him or, in case the election to take the amortization deduction is made by a partnership, only if such crib, bin, elevator, or structure is intended by the partnership at the time of its election to be used for the storage of grain produced by members of the partnership; and

(2) Any public grain warehouse or elevator permanently equipped for receiving, elevating, conditioning, and loading out grain.

the construction, reconstruction, or erection of which was completed after December 31, 1952, and on or before December 31, 1956. The term "grain" includes all products commonly classed as grain, such as wheat, corn, oats, barley, rye, rice, soybeans, grain sorghums, flaxseed, and dry edible beans.

(b) *Private grain-storage facilities.* In the case of any structure described in paragraph (a) (1) of this section, the construction, reconstruction, or erection of which was completed after December 31, 1952, and on or before December 31, 1956, the taxpayer at the time of his election to take the amortization deduction with respect to the structure must intend to use the facility for the storage of grain produced or to be produced by him. If the election is made by a partnership, the structure must be intended at the time of the election to be used for

the storage of grain produced by one or more members of the partnership. The statute does not require that the facility be actually used at the time of the election for the storage of grain. The intent required by the statute at the time of the taxpayer's election to take the amortization deduction is applicable not only to the original owner who completed the construction, reconstruction, or erection of the facility, but to any subsequent owner of the facility. The existence of the requisite intent is a question of fact to be ascertained from the circumstances of each particular case. The lack of the required intent with respect to the use of the facility by a subsequent owner does not affect the allowance of the amortization deduction to a preceding owner for the period during which the facility was owned by him. However, the absence of the required intent as to the use of the facility on the part of either the original owner or any intervening owner precludes any subsequent owner from taking the amortization deduction with respect to the facility. A structure is not suitable primarily for the storage of grain if it is of a type customarily used for other purposes, even though it may actually be used for storing grain. For example, no part of a residential dwelling may qualify as a grain-storage facility. Nor is a structure suitable primarily for the storage of grain unless it is so constructed as to be especially adapted to efficient storage of grain. Thus, a general utility type of building does not qualify under the statute as a grain-storage facility, even though it may be actually used for storing grain. However, structures not suitable primarily for the storage of grain may through alteration or remodeling qualify as grain-storage facilities (see paragraph (d) of this section). On the other hand, a structure which is suitable primarily for the storage of grain is not disqualify under the statute merely because it may at times be used for other purposes. The structures described in paragraph (a) (1) of this section may include trackside grain-storage facilities.

(c) *Public grain-storage facilities.* The term "public grain warehouse" as used in section 169 (d) includes only a grain warehouse or elevator transacting business with members of the general public. The amortization deduction, however, is not available to a person who stores only grain purchased for consumption in his business, such as a milling company which constructs storage facilities for purchased grain held for processing. The statute also requires that the grain warehouse or elevator must be permanently equipped for receiving, elevating, conditioning, and loading out grain. A public grain warehouse must be a permanent structure, of either the elevator or so-called "flat storage" type, suitable primarily for the storage of grain, and the equipment for receiving, elevating, conditioning, or loading out grain must be either permanently installed or permanently available for use. When such equipment is permanently installed, it is considered a part of the grain warehouse or elevator for the purpose of section 169. On the other hand, portable equipment will not be considered a part of the grain warehouse

or elevator for such purpose. The term "conditioning" as used in section 169 (d) includes turning, drying, aerating, fumigating, or other processing of grain. While it is not essential for qualification as a grain-storage facility that a public grain warehouse or elevator be permanently equipped to render all services embraced within the meaning of "conditioning", the grain warehouse or elevator must be permanently equipped for turning, drying, or similar processing of grain. The fact that a public grain warehouse accepts for storage, in addition to products commonly classed as grain (see paragraph (a) of this section), other products which are ordinarily stored in grain warehouses does not disqualify the warehouse as a grain-storage facility for the purpose of section 169.

(d) *Alteration or remodeling.* (1) If any structure described in paragraph (a) (1) or (2) of this section is altered or remodeled so that its capacity for the storage of grain is increased, and such alteration or remodeling was completed after December 31, 1952, and on or before December 31, 1956, for the purpose of section 169 such alteration or remodeling is treated as the construction of a grain-storage facility. Such alteration or remodeling may qualify as a grain-storage facility, whether or not the original structure constituted a grain-storage facility as defined in section 169 (d). If the original structure did qualify as a grain-storage facility for the purpose of section 169, the amortization deduction allowable under section 169 (a) may be taken with respect to such alteration or remodeling, whether or not the taxpayer or any preceding owner elected to take the amortization deduction allowable with respect to the original structure.

(2) Likewise, if any structure not described in paragraph (a) (1) or (2) of this section is converted through alteration or remodeling into a structure so described, and such alteration or remodeling was completed after December 31, 1952, and on or before December 31, 1956, for the purpose of section 169 such alteration or remodeling is treated as the construction of a grain-storage facility.

(3) For election to take the amortization deduction with respect to alteration or remodeling described in subparagraphs (1) and (2) of this paragraph, see § 1.169-4. For determination of adjusted basis for the purpose of the amortization deduction with respect to a grain-storage facility attributable to such alteration or remodeling, see § 1.169-6.

(e) *Excluded property—(1) Nondepreciable property.* The term "grain-storage facility" includes only property of a character which is subject to the allowance for depreciation provided in section 167. Thus, "grain-storage facility" does not include the land on which a structure defined in paragraph (a) of this section is erected.

(2) *Emergency facilities.* (1) The term "grain-storage facility" does not include any facility any part of which is considered an emergency facility within the meaning of section 168. For the definition of "emergency facility" for the purpose of section 168, see § 1.168-4.

(ii) If all or any part of the adjusted basis (computed under section 1011) of a structure described in paragraph (a) of this section is certified as an "emergency facility" under section 168 (e), such structure cannot qualify as a "grain-storage facility" for the purposes of section 169. However, if, prior to the making of any election to take the amortization deduction allowable under section 168 (a) with respect to such structure, the certificate made under section 168 (e) is cancelled by the certifying authority, such structure will be considered a "grain-storage facility" for the purposes of section 169.

(iii) In the case of any alteration or remodeling described in paragraph (d) (1) or (2) of this section, if all or any part of the adjusted basis (computed under section 1011) of the original structure is certified as an "emergency facility" under section 168 (e), such alteration or remodeling may, nevertheless, qualify as a "grain-storage facility" for the purposes of section 169, provided the following conditions are met:

(a) None of the expenditures attributable to such alteration or remodeling represents construction, reconstruction, erection, installation, or acquisition included in the certificate made under section 168 (e) with respect to the original structure, and

(b) A separate certificate is not made under section 168 (e) with respect to such alteration or remodeling as a new and separate emergency facility, or if a separate certificate was made, such certificate, prior to the making of any election to take the amortization deduction allowable under section 168 (a) with respect to such alteration or remodeling, is canceled by the certifying authority.

#### § 1.169-3 Amortization deduction—

(a) *Original owner.* Any person who constructs, reconstructs, or erects a grain-storage facility as defined in section 169 (d) is entitled at his election to a deduction with respect to the amortization of the adjusted basis (for determining gain) of such facility based on a period of 60 months. As to the adjusted basis of a grain-storage facility, see § 1.169-6. The taxpayer may, with respect to a grain-storage facility, elect to begin the 60-month amortization period with (1) the month following the month in which such facility was completed, or (2) the first month of the taxable year succeeding that in which such facility was completed (see § 1.169-4). The date on which, or the month within which, a grain-storage facility is completed is to be determined upon the facts in the particular case. A statement of the date ascertained by the taxpayer, together with a statement of the pertinent facts relied upon, should be filed with the taxpayer's election to take amortization deductions with respect to such facility.

(b) *Subsequent owner.* Any person who acquires a grain-storage facility from a taxpayer who elected to take the amortization deduction provided by section 169 (a) with respect to such facility and who, prior to the acquisition by such person, had not discontinued the amortization deduction pursuant to section 169 (c), is entitled at his election to a

deduction with respect to the amortization of the adjusted basis (determined under section 169 (e) (2)) of such facility based on the period, if any, remaining at the time of his acquisition in the 60-month period elected by the original owner of such facility. For the determination of the adjusted basis of a grain-storage facility in the hands of a subsequent owner for the purpose of the amortization deduction, see § 1.169-6.

(c) *Amount of deduction.* (1) In general, with respect to each month of the 60-month period which falls within the taxable year, the amortization deduction is an amount equal to the adjusted basis of the facility at the end of such month divided by the number of months (including the particular month for which the deduction is computed) remaining in the 60-month period. If a grain-storage facility is held successively by two or more persons during a single month, the amortization deduction, if any, allowable to each of such persons in respect of that month shall be only that portion of the amount to which each such person would be entitled for a full month which the number of days in such month during which the facility was held by him bears to the total number of days in such month. The adjusted basis of the grain-storage facility at the end of any month shall be computed without regard to the amortization deduction with respect to such facility for such month. The total amortization deduction with respect to a grain-storage facility for a particular taxable year is the sum of the amortization deductions allowable with respect to such facility for each month of the 60-month period which falls within such taxable year.

(2) The amortization deduction with respect to a grain-storage facility for any month is in lieu of the deduction for depreciation which would otherwise be allowable under section 167 with respect to the facility for that month. If the original owner of a grain-storage facility elects to begin the 60-month amortization period with the first month of the taxable year succeeding that in which the facility was completed, the deduction for depreciation provided in section 167 is allowable with respect to the facility for the period intervening between the completion of the facility and the beginning of the 60-month period. However, if the original owner elects to begin the 60-month amortization period with the month following that in which the facility was completed, no deduction under section 167 is allowable in respect of the month in which the facility was completed. For depreciation allowable with respect to any amount not subject to amortization, see § 1.169-7.

(d) *Examples.* This section may be illustrated by the following examples:

*Example (1).* On July 1, 1954, A, who makes his income tax return on a calendar year basis, begins the construction of a grain-storage facility which is completed on September 30, 1954, at a cost of \$24,000, not including the cost of the land on which the facility is erected. A elects to take the amortization deduction with respect to the facility and to begin the 60-month amortization period with October 1954, the month following its completion. The adjusted basis of the facility at the end of October is \$24,000.

The allowable amortization deduction with respect to such facility for the taxable year 1954 is \$1,200, computed as follows:

Monthly Amortization Deductions:	
October: \$24,000 divided by 60	\$400
November: \$23,600 (\$24,000 minus \$400) divided by 59	400
December: \$23,200 (\$23,600 minus \$400) divided by 58	400
 Total Amortization Deduction for 1954	1,200

*Example (2).* The X Corporation, which makes its income tax return on the calendar year basis, begins the construction of a grain-storage facility on June 15, 1954. The facility is completed on August 2, 1954. The X Corporation elects to take amortization deductions with respect to the facility and to begin the 60-month amortization period with September 1954, the month following its completion. At the end of the first month of the amortization period the adjusted basis of the facility is \$30,000. In October 1954, the facility is damaged by fire, as the result of which the adjusted basis is properly reduced by \$2,537. The allowable amortization deduction with respect to the facility for the calendar year 1954 is \$1,871, computed as follows:

Monthly Amortization Deductions:	
September: \$30,000 divided by 60	\$500
October: \$26,963 (\$30,000 minus \$500 and \$2,537) divided by 59	457
November: \$26,506 (\$26,963 minus \$457) divided by 58	457
December: \$26,049 (\$26,506 minus \$457) divided by 57	457
 Total amortization deduction for 1954	1,871

For illustration in the case of a subsequent owner of a grain-storage facility, see example (2) in § 1.169-6 (f).

**§ 1.169-4 Election of amortization—(a) General rule—(1) Original owner.** The election by a taxpayer who constructs, reconstructs, or erects a grain-storage facility to take amortization deductions with respect to the facility and to begin the 60-month amortization period, either with the month following the month in which the facility was completed or with the first month of the taxable year succeeding the taxable year in which such facility was completed, shall be made by a statement to that effect in the taxpayer's return for the taxable year in which falls the first month of the 60-month amortization period so elected. Such statement shall include the following information:

(i) A description clearly identifying each grain-storage facility for which an amortization deduction is claimed.

(ii) The date on which the construction, reconstruction, or erection of each such facility was completed.

(iii) The total costs and expenditures paid or incurred in the construction, reconstruction, or erection of any such facility, excluding the cost of any land.

(iv) If the construction, reconstruction, or erection of any such facility was begun before January 1, 1953, the amount of the costs and expenditures properly attributable to such construction, reconstruction, or erection after December 31, 1952.

(v) In the case of a private grain-storage facility described in § 1.169-2 (b), a statement that the taxpayer intends to use the facility for the storage of grain produced or to be produced by him or,

in case the election is being made by a partnership, that the structure is intended to be used for the storage of grain produced by one or more members of the partnership.

(2) *Subsequent owner.* The election by a subsequent owner (that is, a person who acquires a grain-storage facility from a taxpayer who elected to take the amortization deduction with respect to the facility and who, prior to the acquisition by the subsequent owner, had not discontinued the amortization deduction under section 169 (c)) to take amortization deductions with respect to the facility shall be made by a statement to that effect in the taxpayer's return for the taxable year in which falls the month in which the facility was acquired. Such statement shall include the following information:

(i) The name and address of the preceding owner.

(ii) The date and the manner of the acquisition of the grain-storage facility from such preceding owner.

(iii) A statement of the basis (unadjusted) of the facility in the hands of the preceding owner for amortization purposes, adjusted to the date of acquisition by the taxpayer.

(iv) A statement of the adjusted basis of the facility in the hands of the taxpayer for amortization purposes, computed as of the date of acquisition by the taxpayer.

(v) In the case of a private grain-storage facility described in § 1.169-2 (b), a statement that the taxpayer intends to use the facility for the storage of grain produced or to be produced by him or, in case the election is being made by a partnership, that the structure is intended to be used for the storage of grain produced by one or more members of the partnership.

(b) *Special rules for making election prior to filing of return.* If, prior to the time prescribed in paragraph (a) of this section for making the election to take amortization deductions with respect to a grain-storage facility, such facility is acquired by a subsequent owner, the preceding owner of the facility may make such election within 60 days after the date of acquisition of such facility by the subsequent owner. In the event that the preceding owner dies or ceases to exist prior to making an election, the election may be made within such time by the duly authorized representatives of the preceding owner. Unless the election to take amortization deductions with respect to the facility is made by the preceding owner or on his behalf, the subsequent owner of the facility shall not be entitled to take the amortization deductions allowable under section 169 (a) with respect to such facility. A statement of election under this paragraph shall be filed with the district director for the district in which the return of the taxpayer is required to be filed, and shall contain the same information required with respect to a statement of election under paragraph (a) of this section. However, in the case of a private grain-storage facility described in § 1.169-2 (b), in lieu of the statement regarding the intended use of the facility at the time of the election, the statement

of election under this paragraph shall include a statement that the preceding owner, at the time of the construction, reconstruction, erection, or acquisition of the facility by him, intended to use the facility for the storage of grain produced or to be produced by him. If the preceding owner of the facility was the original owner, the statement of election must specify the beginning of the 60-month amortization period. Unless the grain-storage facility is acquired from the original owner after the beginning of his taxable year succeeding the taxable year in which such facility was completed, an election made under this paragraph must begin the 60-month amortization period with the month following the month in which the facility was completed.

(c) *Election not made at the time or in the manner prescribed by this section.*

(1) The district director has no authority to extend the time prescribed in section 169 (b) and paragraph (a) of this section for making an election to take amortization deductions allowable under section 169 (a). However, the district director in his discretion may, for good cause shown, grant a reasonable extension of time for the making of an election under paragraph (b) of this section.

(2) Except as provided in the preceding subparagraph, if a statement of election under paragraph (a) or (b) of this section does not comply with the requirements prescribed therein, it may, in the discretion of the district director and for good cause shown, be made in such manner and form as may be approved by him.

(3) No method of making the election to take the amortization deductions with respect to a grain-storage facility other than those prescribed in this section shall be permitted. A taxpayer who fails to elect to take amortization deductions with respect to such a facility shall not be entitled to amortization deductions with respect to such facility.

(d) *Alteration or remodeling of existing grain-storage facility.* If an existing grain-storage facility, as defined in section 169 (d), is altered or remodeled and such alteration or remodeling is treated under section 169 (d) as the construction of a grain-storage facility (see §§ 1.169-2 (d) and 1.169-6 (e)), the part of the facility altered or remodeled is treated as a new and separate grain-storage facility. In such case, unless the taxpayer who completes such alteration or remodeling makes a separate election, in the manner and within the time provided in this section, to take amortization deductions and to begin a new 60-month period with respect to such alteration or remodeling, he shall not be entitled to amortization deductions with respect to such alteration or remodeling. Such alteration or remodeling is also treated as a separate grain-storage facility in the hands of a subsequent owner.

**§ 1.169-5 Termination of amortization deduction.** (a) If a taxpayer has elected to take amortization deductions with respect to a grain-storage facility he may, prior to the expiration of the 60-month amortization period and prior to the acquisition of such facility by another person, discontinue the amortization de-

ductions with respect to such facility for the remainder of the 60-month period. An election to discontinue the amortization deductions shall be made by notice in writing filed with the district director for the district in which the return of the taxpayer is required to be filed, specifying the month as of the beginning of which the taxpayer elects to discontinue such deductions. Such notice shall be filed before the beginning of the month specified therein, and shall contain a description clearly identifying the grain-storage facility with respect to which the taxpayer elects to discontinue the amortization deductions. If the taxpayer elects in the manner provided herein to discontinue the amortization deductions with respect to a grain-storage facility, he shall not be entitled to any further amortization deductions with respect to such facility.

(b) A taxpayer who elects to discontinue amortization deductions with respect to a grain-storage facility is entitled to a deduction for depreciation under section 167 with respect to such facility. The deduction for depreciation shall begin with the first month as to which the amortization deduction is not applicable and shall be computed on the adjusted basis of the property as of the beginning of such month (see section 1011 and the regulations thereunder).

(c) This section may be illustrated by the following example:

**Example.** On February 1, 1954, the Y Corporation, which makes its income tax returns on the calendar year basis, begins the construction of a grain-storage facility. The facility is completed on June 30, 1954, at a cost of \$306,000, of which \$60,000 is allocable to the land and \$246,000 to the facility. The corporation elects to take amortization deductions with respect to the facility and to begin the 60-month amortization period with July 1954, the month following its completion. On March 25, 1955, the corporation files notice with the district director of its election to discontinue the amortization deductions beginning with the month of April 1955. The adjusted basis of the facility on July 31, 1954, is \$246,000. The amortization deductions for the taxable year 1954 and the months of January, February, and March 1955, amount to \$36,900, or \$4,160 per month for nine months. Accordingly, the adjusted basis of the facility as of April 1, 1955, is \$209,100. Beginning as of that date, the deduction for depreciation under section 167 is allowable with respect to the property. Such deduction shall be computed on the adjusted basis (\$209,100) of the property as of April 1, 1955.

**§ 1.169-6 Adjusted basis of grain-storage facility—(a) General.** Section 169 (e) provides rules which apply in the determination of the adjusted basis of a grain-storage facility for the purpose of computing the amortization deductions allowable under section 169 (a). Section 169 (e) does not purport to provide an all-inclusive formula for the computation of adjusted basis for amortization purposes, but only prescribes certain modifications in the amount which would otherwise constitute the adjusted basis of the facility. As a result of these modifications, the adjusted basis for the purpose of computing the amortization deductions allowable with respect to the facility will differ in some cases from the adjusted basis of the facility determined

under section 1011 without regard to section 169 (e). The adjusted basis for amortization purposes may also differ from the adjusted basis of the facility for other purposes in that it shall be the adjusted basis for determining gain (see sections 1011-1022, inclusive). The adjusted basis for amortization purposes is derived from the unadjusted basis of the grain-storage facility determined in accordance with the provisions of section 1012. The special rules provided in section 169 (e) are applicable in translating the unadjusted basis determined in accordance with the provisions of section 1012 into the unadjusted basis for amortization purposes under section 169. The unadjusted basis for amortization purposes, less the adjustments properly allocable thereto, becomes the adjusted basis for amortization purposes. These adjustments are those specified in sections 1016 and 1017. However, adjustments which increase the adjusted basis under section 1011 are not to be taken into account in determining the adjusted basis for amortization purposes (see paragraph (d) of this section).

(b) *Original owners.* Section 169 (e) (1) provides rules which apply in the determination of the adjusted basis for amortization purposes of a grain-storage facility in the hands of an original owner (see § 1.169-3 (a)). As the result of the application of the rules stated in subparagraphs (1) and (2) of this paragraph, the adjusted basis of the facility for amortization purposes will be smaller than the amount which would otherwise constitute the adjusted basis of the facility. The rules are the following:

(1) If the construction, reconstruction, or erection of the facility was begun before January 1, 1953, there is to be included only so much of the entire unadjusted basis of the facility as is properly attributable to construction, reconstruction, or erection after December 31, 1952.

(2) If a structure which is not an existing grain-storage facility as defined in section 169 (d) is altered or remodeled and such alteration or remodeling is treated under section 169 (d) as the construction of a grain-storage facility (see § 1.169-2 (d)), there is to be included only so much of the entire unadjusted basis of such structure as is properly attributable to such alteration or remodeling as was completed after December 31, 1952, and on or before December 31, 1956. In the case of alteration or remodeling of an existing grain-storage facility, see paragraph (e) of this section.

(c) *Subsequent owners.* A special rule is provided in section 169 (e) (2) for the determination of the adjusted basis for amortization purposes of a grain-storage facility in the hands of a subsequent owner (see § 1.169-3 (b)). Such adjusted basis is the smaller of the following amounts:

(1) The adjusted basis determined by including an amount in respect of unadjusted basis equal to the adjusted basis of the facility for amortization purposes in the hands of the preceding owner, determined as of the date of acquisition of the facility by the taxpayer. For the purpose of this paragraph, in determining the adjusted basis of the facility for

amortization purposes in the hands of the preceding owner the adjustments required under section 1016 shall include an adjustment in respect of the amount of the amortization deduction allowable to the preceding owner for the month in which the facility was acquired by the taxpayer. See § 1.169-3 (c). For the rule excluding capital additions from the adjusted basis of a grain-storage facility for amortization purposes, see paragraph (d) of this section.

(2) The adjusted basis (computed under section 1011 for determining gain) of the facility in the hands of the taxpayer. If the construction, reconstruction, or erection of the facility was begun before January 1, 1953, in determining such adjusted basis there is to be included only so much of the entire unadjusted basis of the facility (in the hands of the taxpayer) as is properly attributable to construction, reconstruction, or erection after December 31, 1952.

(d) *Capital additions.* If after the completion or acquisition of a grain-storage facility further expenditures are made for construction, reconstruction, or erection, such expenditures shall not be added to the adjusted basis of the facility for amortization purposes. If such expenditures result in alteration or remodeling which under section 169 (d) is treated as the construction of a grain-storage facility, see paragraph (e) of this section.

(e) *Alteration or remodeling of existing grain-storage facility.* If an existing grain-storage facility as defined in section 169 (d) is altered or remodeled and such alteration or remodeling is treated under section 169 (d) as the construction of a grain-storage facility (see § 1.169-2 (d)), the expenditures for such alteration or remodeling shall not be applied in adjustment of the basis of the existing facility, but a separate basis shall be computed by reference to such expenditures as if such alteration or remodeling represented a new and separate grain-storage facility. A structure which was not an existing grain-storage facility prior to alteration or remodeling which is treated under section 169 (d) as the construction of a grain-storage facility becomes an existing grain-storage facility for the purposes of this paragraph. Thus, if a structure which is an existing grain-storage facility by reason of such alteration or remodeling is again altered or remodeled and such alteration or remodeling is treated under section 169 (d) as the construction of a grain-storage facility, the provisions of this subparagraph are also applicable to such later alteration or remodeling.

(f) *Examples.* The computation of the adjusted basis of a grain-storage facility for amortization purposes may be illustrated in the following examples:

**Example (1).** On February 28, 1953, A completes the construction of a grain-storage facility as defined in section 169 (d) at a cost \$2,000 for the land and \$6,000 for the construction. Only \$3,000 of the total cost of the facility is properly attributable to construction after December 31, 1952. A elects to claim the amortization deduction to begin the 60-month period on March 1, 1953. Under section 169 (e), the adjusted basis of the facility for the purpose of section 169 (a) as of that date is only \$3,000.

the amount attributable to construction after December 31, 1952. In determining the adjusted basis of the facility as of any subsequent date for the purpose of computing the amortization deduction, the amortization deductions allowable in respect of the period prior to such date must be taken into account. See section 1016. Thus, the adjusted basis of the facility for the purpose of computing the amount of the amortization deduction allowable for the month of January 1954, is \$2,500 (\$3,000 minus \$500, the amortization deductions allowable prior to January 1, 1954).

Example (2). A began on January 1, 1954, and completed on June 30, 1954, the construction of a grain-storage facility as defined in section 169 (d) at a cost of \$5,000 for the land and \$30,000 for the construction. A elects to claim the amortization deduction and to begin the 50-month period on July 1, 1954. On May 1, 1955, A sells the grain-storage facility to B for a price of \$34,000, of which \$6,000 is allocable to the land. B elects to claim the amortization deduction on the basis of the 50 months remaining in the amortization period. B, in determining the adjusted basis of the facility in his hands, must start with the unadjusted basis of the facility in the hands of A (\$30,000) and adjust such basis under section 1016 in respect of amortization claimed by A during his ownership of the facility (\$5,000). Since this amount (\$25,000) is smaller than the adjusted basis (for determining gain) of the facility in B's hands as of May 1, 1955 (\$28,000, that is \$34,000 less \$6,000 allocable to land), the adjusted basis of the facility for the purpose of section 169 (a) in B's hands as of May 1, 1955, is \$25,000. B, therefore, may include only \$25,000 in determining the adjusted basis of the facility in his hands as of May 1, 1955, the date of the purchase. The amortization deductions claimed by B must, of course, be applied in reduction of such adjusted basis in determining the adjusted basis of the facility as of any subsequent date for the purpose of his amortization deduction under section 169 (a). The amount by which the purchase price paid by B and allocable to depreciable property (\$28,000) exceeds the adjusted basis determined under section 169 (e) for such property (\$25,000)—or \$3,000—is treated as the adjusted basis (as of May 1, 1955) for the purpose of the depreciation deduction allowable under section 167. See § 1.169-7.

§ 1.169-7 *Depreciation of portion of grain-storage facility not subject to amortization.* The rule set forth in section 169 (a) (see § 1.169-3), that the amortization deduction with respect to a grain-storage facility is in lieu of any deduction for depreciation which would otherwise be allowable under section 167 with respect to the facility, is subject to an exception provided in section 169 (f). Under this exception, if the adjusted basis of the facility as computed under section 1011 for purposes other than the amortization deductions (see § 1.1011-1) is in excess of the adjusted basis computed under section 169 (e) for the purpose of the amortization deductions (see § 1.169-6), any excess shall be charged off over the useful life of the facility and recovered through depreciation deductions allowable under section 167. Thus, if the construction of a grain-storage facility was begun before January 1, 1953, no amortization deductions are allowable with respect to the amount attributable to such construction before such date (see § 1.169-6). However, the depreciation deduction provided by section 167 and the regulations thereunder is allowable with respect to the amount at-

tributable to construction before January 1, 1953. Similarly, in the case of a subsequent owner the adjusted basis of a grain-storage facility computed under section 1011 for purposes other than the amortization deductions (see § 1.1011-1) may exceed the adjusted basis of the facility computed under section 169 (e) for amortization purposes. In such case the excess will be subject to the allowance for depreciation provided by section 167. For illustration of the treatment of the portion of a grain-storage facility which is subject to the allowance for depreciation, see example (2) in § 1.169-6 (f).

§ 1.169-8 *Life tenant and remainderman.* In the case of a grain-storage facility held by one person for life with the remainder to another person, the amortization deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant during his life.

[F. R. Doc. 58-6034; Filed, Aug. 26, 1958; 8:53 a.m.]

## TITLE 29—LABOR

### Chapter V—Wage and Hour Division, Department of Labor

#### PART 610—CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U. S. C. 205), the Secretary of Labor by Administrative Order No. 508 (23 F. R. 4036), as amended by Administrative Order No. 511 (23 F. R. 5215), appointed, convened, and gave notice of the hearing of Industry Committee No. 40-C to recommend the minimum wage rate or rates to be paid under section 6 of that Act (52 Stat. 1062, as amended; 29 U. S. C. 206) to employees in the children's dress and related products industry in Puerto Rico who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1064, as amended; 29 U. S. C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Order No. 45-A of the Secretary of Labor (15 F. R. 3290), the recommendations of the committee are hereby published in this order amending the Code of Federal Regulations. Effective September 12, 1958, 29 CFR Part 610 is amended to read as follows:

#### Sec.

- 610.1 Definition of the industry.
- 610.2 Wage rates.
- 610.3 Notices.

AUTHORITY: §§ 610.1 to 610.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 610.1 *Definition of the industry.* The manufacture from woven or knit fabric or from waterproof materials of the following garments: Dresses, blouses, shirts, and similar garments for girls; shirts and blouses for boys, size 6X and under; dresses, creepers, rompers, waterproof pants, diaper covers, sportswear, and play apparel for infants three years of age or under; and clothing and accessories for dolls; *Provided, however, That the industry shall not include products manufactured by heat sealing, cementing, vulcanizing, or any operation similar thereto; or the outlining or embroidery of lace by machine, or the embroidery of any article or trimming by a crochet beading process or with bullion thread.*

§ 610.2 *Wage rates.* (a) Wages at a rate of not less than 47 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the children's dress and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce, and who is engaged in the hand-embroidery classification which is defined as the operations of hand-embroidering, hand-embellishing, ornamental stitching, and other hand-sewing operations involving decorative effects.

(b) Wages at a rate of not less than 65 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees engaged in commerce or in the production of goods for commerce and who is engaged in the other operations classification which is defined as all operations in the children's dress and related products industry in Puerto Rico, other than these operations in the hand-embroidery classification of this industry.

§ 610.3 *Notices.* Every employer subject to the provisions of § 610.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 610.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 20th day of August 1958.

CLARENCE T. LUNDQUIST,  
Administrator.

[F. R. Doc. 58-6037; Filed, Aug. 26, 1958; 8:54 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

#### PART 203—BRIDGE REGULATIONS

##### BOHEMIA RIVER, MARYLAND

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 governing the operation of drawbridges across navigable waters discharging into the Atlantic Ocean south-

## RULES AND REGULATIONS

of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, where constant attendance of draw tenders is not required, is hereby amended prescribing paragraph (f) (1-a) to govern the operation of the Maryland State Roads Commission bridge across Bohemia River at Cayots, Maryland, as follows:

**§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.**

(f) *Waterways discharging into Chesapeake Bay.*

(1-a) *Bohemia River, Md.; Maryland State Roads Commission bridge at Cayots.* From May 30 to September 30, inclusive, except on Saturdays, Sundays, State and Federal holidays, between sunrise and sunset, and from October 1 to May 29, inclusive, except between the hours of 7:00 p. m. on Fridays and 7:00 a. m. on Mondays, inclusive, the draw will not be required to be opened except upon 3 hours' advance notice. From October 1 to May 29, inclusive, between the hours of 7:00 p. m. on Fridays and 7:00 a. m. on Mondays, inclusive, the draw will not be required to be opened

except upon advance notice given prior to 7:00 p. m. on Friday. From May 30 to September 30, inclusive, between sunrise and sunset on Saturdays, Sundays, State and Federal holidays, the regulations contained in § 203.240 shall govern operation of this bridge.

[Regs. Aug. 11, 1958, 823.01 (Bohemia River, Md.)—ENGWO] (Sec. 5, 28 Stat. 363; 23 U. S. C. 499)

[SEAL]

HERBERT M. JONES,  
Major General, U. S. Army,  
The Adjutant General.

[F. R. Doc. 58-6912; Filed, Aug. 26, 1958; 8:49 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF THE INTERIOR

#### Fish and Wildlife Service

##### [50 CFR Part 31]

#### MALHEUR NATIONAL WILDLIFE REFUGE, OREGON

##### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), it is proposed to add § 31.208 to Chapter I, Title 50, Code of Federal Regulations, Subpart—Malheur National Wildlife Refuge, Oregon, as set forth in tentative form below. The purpose of the proposed regulation is to permit the hunting of migratory game birds on certain lands of the Malheur National Wildlife Refuge under certain limitations and subject to compliance with the laws and regulations of the State of Oregon.

The proposed regulation relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U. S. C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the **FEDERAL REGISTER**.

Dated: August 22, 1958.

D. H. JANZEN,  
Director, Bureau of  
Sport Fisheries and Wildlife.

**§ 31.208 Hunting of migratory game birds permitted.** Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, the hunting of migratory game birds is permitted on the hereinafter described lands of the Malheur National Wildlife Refuge, Oregon, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The following described area is open to hunting:

T. 26 S., R. 31 E., W. M., N. M. L.,  
Sec. 13, lots 1-6, incl., S $\frac{1}{2}$  NW $\frac{1}{4}$ ;  
Sec. 14, lots 7 and 8, SE $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ ;  
Sec. 23, lots 1-4, incl., NW $\frac{1}{4}$  NE $\frac{1}{4}$ , E $\frac{1}{4}$  SW $\frac{1}{4}$ ;  
Sec. 24, lots 1 and 2;  
Sec. 25, lot 1 north of Malheur Lake, lots 1-11, incl., south of Malheur Lake;  
Sec. 26, lots 1, 3, 4, and 5 south of Malheur Lake, lots 1-4, incl., W $\frac{1}{2}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , north of Malheur Lake.  
T. 25 S., R. 32 E., W. M., N. M. L.,  
Sec. 36, lot 1, N $\frac{1}{2}$  NE $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ .  
T. 26 S., R. 32 E., W. M., N. M. L.,  
Sec. 1, lots 1, 2, and 3;  
Sec. 2, lots 1, 2, 6-9, incl.;  
Sec. 3, lots 9-12, incl., N $\frac{1}{2}$  SW $\frac{1}{4}$ ;  
Sec. 4, lots 9-13, incl., W $\frac{1}{2}$  SW $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ ;  
Sec. 5, that part of lot 2 lying south of a line parallel to and 10 chains south of the north line of lot 2, lot 7, that part of lot 8 lying south of a line parallel to and 10 chains north of the south line of lot 8, NE $\frac{1}{4}$  SE $\frac{1}{4}$ , S $\frac{1}{2}$  SE $\frac{1}{4}$ ;  
Sec. 8, lots 4-6, incl., N $\frac{1}{2}$  NE $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ ;  
Sec. 9, lots 1, 2, and 3;  
Sec. 10, lots 1 and 2;  
Sec. 17, lots 1, 2, and 3;  
Sec. 18, lots 3-7, incl., N $\frac{1}{2}$  NE $\frac{1}{4}$ .  
T. 26 S., R. 31 E., W. M., S. M. L.,  
Sec. 30, lots 4, 5, 11-14, incl.  
T. 25 S., R. 32 $\frac{1}{2}$  E., W. M., N. M. L.,  
Sec. 31, lots 1, 2, and 3.

Also all the lakebed lands abutting upon and lying in front of the following described legal subdivisions:

T. 26 S., R. 31 E., W. M., N. M. L.,  
Sec. 13, lots 1-6, incl.;  
Sec. 14, lots 7 and 8;  
Sec. 23, lots 1-4, incl.;  
Sec. 24, lots 1 and 2;  
Sec. 25, lot 1 north of Malheur Lake, lots 5, 9, 10, and 11 south of Malheur Lake;  
Sec. 26, lots 1-4, incl., north of Malheur Lake, lots 1, 3, and 5 south of Malheur Lake.  
T. 25 S., R. 32 E., W. M., N. M. L.,  
Sec. 36, lot 1.  
T. 26 S., R. 32 E., W. M., N. M. L.,  
Sec. 1, lots 1, 2, and 3;  
Sec. 2, lots 1, 2, 6-9, incl.;  
Sec. 3, lots 9-12, incl.;  
Sec. 4, lots 9-13, incl.;  
Sec. 8, lots 4, 5, and 6;  
Sec. 9, lots 1, 2, and 3;  
Sec. 10, lots 1 and 2;  
Sec. 17, lots 1, 2, and 3;  
Sec. 18, lots 3-7, incl.  
T. 26 S., R. 31 E., W. M., S. M. L.,  
Sec. 30, lots 13 and 14.

T. 25 S., R. 32 $\frac{1}{2}$  E., W. M., N. M. L.,  
Sec. 31, lots 1 and 3.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(c) *Dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

(d) *Boats.* The use of boats without motors for the purpose of hunting is permitted.

(e) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(f) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for these purposes. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

[F. R. Doc. 58-6944; Filed, Aug. 26, 1958; 8:56 a. m.]

### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

##### [7 CFR Part 961]

[Docket No. AO-160-A20]

#### HANDLING OF MILK IN PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

#### NOTICE OF POSTPONEMENT OF HEARING ON PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the postponement of a public hearing which was called to begin at 9:30 a. m., on August 28, 1958. The hearing is

now scheduled to be convened in the Carlton Room, Sylvania Hotel, Broad and Locust Streets, Philadelphia, Pennsylvania, on September 18, 1958, beginning at 9:30 a. m., e. d. t.

The issue under consideration at this hearing is set forth in the notice of hearing issued by the Deputy Administrator, Agricultural Marketing Service, on August 19, 1958 and published in the *FEDERAL REGISTER* on August 22, 1958 (23 F. R. 6510, F. R. Doc. 58-6782).

Issued at Washington, D. C., this 22d day of August 1958.

[SEAL] ROY W. LENNARTSON,  
Deputy Administrator.

[F. R. Doc. 58-6940; Filed, Aug. 26, 1958;  
8:54 a. m.]

#### [ 7 CFR Part 1001 ]

##### HANDLING OF LIMES GROWN IN FLORIDA NOMINATION PROCEDURE

Notice is hereby given that the Department is considering the approval of a proposed amendment, hereinafter set forth, to the rules and regulations (Subpart—Florida Lime Administrative Committee Rules and Regulations; 7 CFR 1001.110 et seq.) that are currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001), regulating the handling of limes grown in Florida. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

The amendment to the said rules and regulations was proposed by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof, and would add the following new section:

**§ 1001.115 Nomination procedure.**  
(a) Any grower who desires to be represented in a nomination meeting by a duly authorized agent and to have his vote cast by such agent in the nomination and election of nominees for grower members and alternate members to fill positions on the Florida Lime Administrative Committee, as provided in § 1001.22 (b) (2), shall submit to the committee, not later than January 20, a written statement containing the following:

- (1) Name of grower;
- (2) Mailing address;
- (3) Location of each lime grove (either legal or from established landmarks);
- (4) Number of lime trees owned;
- (5) Number of 55-pound units of limes marketed to date during the current season;
- (6) Name of the handler of the fruit marketed;
- (7) Authorization, including the name and address, of the person who is to represent said grower at the nomination meeting.

(b) Any grower who has not filed the statement as prescribed in paragraph (a) of this section must be pres-

ent at the nomination meeting to be eligible to have his vote counted in connection with the nomination and election of nominees.

(c) Any grower who, pursuant to the provisions of paragraph (a) of this section, has authorized an agent to cast such grower's vote, may rescind such authorization by appearing at the nomination meeting and exercising his right to vote in person.

All persons who desire to submit written data, views, or arguments for consideration in connection with said proposed amendment should do so by forwarding same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, Washington 25, D. C., not later than the tenth day after publication of this notice in the *FEDERAL REGISTER*.

Dated: August 22, 1958.

[SEAL] S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Marketing Service.

[F. R. Doc. 58-6923; Filed, Aug. 26, 1958;  
8:52 a. m.]

#### CIVIL AERONAUTICS BOARD

##### [ 14 CFR Part 241 ]

[Economic Regs. Draft Release 97]

##### UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

##### NOTICE OF PROPOSED RULE MAKING

AUGUST 21, 1958.

Notice is hereby given that the Civil Aeronautics Board has under consideration the amendment of Part 241 of the Economic Regulations (14 CFR Part 241). This proposed rule modifies, redefines, and in many cases clarifies the present accounting and reporting requirements.

The principal features of the proposed regulation are explained in the explanatory statement and the proposed amendments to Part 241 are set forth in the proposed rule.

This regulation is proposed under the authority of sections 205 (a), 407 (a) and 407 (d) of the Civil Aeronautics Act of 1938, as amended. (52 Stat. 984, 1000, 1004; 49 U. S. C. 425, 487, 496).

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate and addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All communications received on or before September 25, 1958, will be considered by the Board before taking further action thereupon. Copies of such communications will be available on or after September 30, 1958, for examination by interested persons in the Docket Section of the Board, Room 5412, Dept. of Commerce Building, Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,  
Acting Secretary.

During the past year the Board has received industry comments and requests

for waivers which indicate a need for amending and clarifying various provisions of the revised Uniform System of Accounts. Accordingly, amendments are proposed herein which, it is expected, will serve to save time and effort on the part of the Board and its staff and on the part of the carriers subject to accounting and reporting requirements by eliminating the necessity for case by case determinations of the several accounting and reporting issues. Apart from the elimination of difficulties arising from lack of specific or detailed coverage, the proposed amendment of this regulation affords an appropriate occasion for standardizing terms, correcting typographical errors, and incorporating changes which have occurred in operating authority. The nature of these changes renders unnecessary detailed analysis and explanation. As an aid to the public, however, the items involving substantive changes are briefly described below:

1. Section 241.03 provides separate definitions for "Service, charter" and "Service, special" in lieu of the present single definition of both under the caption "Service, charter and special."

2. Sections 241.04 and 241.05 add Trans Caribbean Airways, newly certified, to the list of Group I Air Carriers, and improves the system of abbreviations for classifying air carrier operations.

3. Sections 241.2-11 and 241.6 require that all amounts receivable from and payable to other air carriers be accounted for in gross amounts. Under the present regulation, those traffic balances between air carriers which are normally settled in net amounts through airline clearing houses must be accounted for in net amounts receivable from or payable to each such clearing house. While the netting of these receivables and payables was prescribed in the present regulations at the request of the industry, there appears to be no support in general accounting practice for this requirement. Receivables and payables stand independent of each other in terms of ultimate objectives regardless of the techniques used for determining routine monthly settlement. Thus, as modified, the regulation would conform with general accounting practice.

4. Section 241.2-15 clarifies the intent of the regulation with respect to the accounting and reporting of contingencies in the balance sheet.

5. Section 241.13 provides that the cost of instrument repairs would be chargeable to "Other Flight Equipment" rather than to "Airframe" or "Aircraft Engine" repair accounts as now prescribed. This change is made in the light of industry representations as to the impracticability of including instrument repair costs in the prescribed accounts because of the separate controls exercised over instrument repairs.

6. Sections 241.22 and 241.23 provide that only two copies of Schedule A "Certification" need be filed instead of the three copies now prescribed; that Schedule B-6 "Distribution of Noncurrent Assets by Operating Entity" be filed only by air carriers having more than one operating entity; that interim reports be

## PROPOSED RULE MAKING

filed every month, instead of for the first two months of each calendar quarter and within 30 instead of 40 days after the end of the reporting period; adds to the list of schedules comprising the CAB Form 41 report Schedule D-1 "Service Performed for the Defense Establishment" in conformance with the requirements prescribed by Regulation No. ER-221.

7. Section 241.24 clarifies the instructions for filing Schedules P-2, P-7, and P-8 and for filing interim income statements.

8. Section 241.25 adds a reference to the glossary in Item 016 "Number of Revenue Passenger Originations" on Schedules T-1 and T-2 and deletes the same reference from Item 017 "Number of Revenue Passenger Enplanements," and clarifies the instruction relating to Schedule T-4 by providing that Column 11 "Number of Revenue Passenger Originations" reflect passengers in scheduled services only.

It is proposed to revise Part 241 of the Economic Regulations (14 CFR Part 241) in the following respects:

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

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

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

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

3. By amending § 241.04 by adding "Trans Caribbean Airways, Inc." and "Trans Car" to the list of Group I Air Carriers.

4. By amending § 241.05 to read as follows:

Operation	Abbreviation
Domestic Mail:	
Trunk Lines	DM Trunk.
Local Service	DM Local.
Intra-Territorial	DM Terr.
Domestic Non-Mail	DNM.
Foreign and Overseas Mail:	
Atlantic Ocean	FOM Atlantic.
Central and South America	FOM LAD.
Pacific Ocean	FOM Pacific.
States-Alaska	FOM S-Alaska.
Foreign and Overseas Non-Mail	FONM.

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

6. By amending § 241.2-11 (a) by deleting the second sentence and that part

of the third sentence which reads "which are not normally settled through airline clearing houses, and".

7. By amending § 241.2-15 to read as follows:

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

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

9. By amending the second sentence of § 241.5-4 (1) (3) by deleting the words "remaining unexpired" and substituting therefore the word "expired".

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

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

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

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

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

2030 *Collections as Agent—Traffic.* (a) This account shall include amounts collected for transportation furnished by others, except associated companies, whether settled through airline clearing houses or with individual carriers.

(b) Accounts receivable, includable in account 1240 Accounts Receivable—General Traffic shall not be charged to this account.

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

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

15. By deleting the words "instruments or" from the instructions for the following subaccounts in § 241.13: 25.1 Labor—Airframes, 25.2 Labor—Aircraft Engines, 42.1 Airframe Repairs—Associated Companies, 42.2 Aircraft Engine Repairs—Associated Companies, 43.1 Airframe Repairs—Outside, 43.2 Airframe Engine Repairs—Outside, 46.1 Materials—Airframes, 46.2 Materials—Aircraft Engines.

16. By amending the instructions in § 241.13 for subaccounts 25.3, 42.3, 43.3,

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

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

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

19. By amending the table of schedules in § 241.22 by

(a) Adding a new schedule No., title, filing frequency, and postmark interval as follows:

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

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

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

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

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

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

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

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

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

(c) Two sets of this schedule shall be filed for each operating entity with the Form 41 report filed for the fourth calendar quarter of each calendar year. One set shall be filed for each operating entity for the first three quarters of each calendar year. One of the two sets filed for the fourth quarter of each year shall reflect the indicated data applicable to the twelve months ended December 31. All other sets shall reflect the indicated data applicable to the current quarter. An "X" shall be inserted

in the box designated "Qr" at the head of each column of each report covering quarterly data and an "X" shall be inserted in the box designated "Yr" at the head of each column of each report covering 12-month data.

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

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

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

28. By amending the instructions in § 241.25 for Schedules T-1 and T-2 by adding after paragraph (g) the phrase

"(See § 241.03 Passenger originations)" and deleting from paragraph (h) the phrase "(See § 241.03 for further definition)".

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

[F. R. Doc. 58-6943; Filed, Aug. 26, 1958; 8:58 a.m.]

## NOTICES

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

[C-020724, C-023139]

COLORADO

#### ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 19, 1958.

Pursuant to the following listed determination of the Federal Power Commission, and in accordance with authority delegated to me by the Colorado State Supervisor, Bureau of Land Management, effective February 19, 1958 (23 F.R. 1098), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn and reserved for power purposes, are hereby restored to disposition under the public land laws, 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:

Determination No.	Dates and types of withdrawal	Description of lands (Sixth Principal Meridian)
DA-403	Power Site Reserve No. 116, approved Feb. 18, 1910, and made permanent by Executive Order of July 2, 1910, the Withdrawal being construed by Interpretation No. 44, dated Mar. 7, 1924.	T. 4 S., R. 86 W., sec. 17, lot 18.
DA-410	Power Site Reserve No. 244, dated Feb. 17, 1912, as construed by Interpretation No. 44 of Mar. 7, 1924.	T. 4 S., R. 86 W., sec. 17, lot 15.

The above described lands contain 58.85 acres of public lands.

These lots are along the right and left bank of the Colorado River, about six miles upstream from Dotsero, Colorado. Rough, rocky terrain makes up the major portions of each lot, and supports only native vegetation. A county road crosses lot 15.

No applications for the lands will be allowed under the homestead, desert-land, small-tract, or any other non-mineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application

No. 168—3

that is filed will be considered on its merits. The lands will not be subject to occupancy, or disposition, until they have been classified.

The lands described shall be subject to application by the State of Colorado for a period of 90 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 and subject to the provisions of section 24 of the Federal Power Act, as amended.

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

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

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

(2) All valid applications under the homestead, desert-land, and small tract laws, by qualified veterans of World War II or the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, presented prior to 10:00 a. m. on September 24, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour, and before 10:00 a. m. on December 24, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs 1 and 2 above, presented prior to 10:00 a. m. on December 24, 1958, will be considered as simultaneously filed at that hour. Rights under such ap-

plications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the Mineral Leasing Laws. They have also been open to location under the United States Mining Laws pursuant to the act of August 11, 1955 (66 Stat. 683; 30 U. S. C. 621-625).

Persons claiming veterans' preference under paragraph a2 must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado.

J. ELLIOTT HALL,  
Lands and Minerals Officer.

[F. R. Doc. 58-6913; Filed, Aug. 26, 1958; 8:50 a. m.]

### ALASKA

#### SMALL TRACT PUBLIC SALE NO. 4-AOS; CANCELLATION

AUGUST 18, 1958.

Effective August 28, 1958, Federal Register Document 58-5835 appearing on pages 5802 and 5803 of the issue for July 31, 1958, is cancelled in its entirety. This order involving terminated lease tracts under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, was published in error in that such orders do not require publication in the *FEDERAL REGISTER*.

L. T. MAIN,  
Anchorage Operations Supervisor,  
Anchorage, Alaska.

[F. R. Doc. 58-6914; Filed, Aug. 26, 1958; 8:50 a. m.]

## DEPARTMENT OF THE TREASURY

## Bureau of Customs

[TC 342.5]

## COORDINATE PLOTTERS

## NOTICE OF PROSPECTIVE CLASSIFICATION

AUGUST 21, 1958.

It appears probable that a correct interpretation of paragraph 360, Tariff Act of 1930, requires that coordinate plotters be classified under the provision of such paragraph for mathematical instruments with duty at the rate of 25½ percent ad valorem a rate higher than that heretofore assessed under an established and uniform practice.

Pursuant to § 16.10a (d) of the Customs Regulations (19 CFR 16.10a (d)), notice is hereby given that the existing uniform practice of classifying such articles as drawing instruments under paragraph 360, Tariff Act of 1930, with duty at the rate of 19 percent ad valorem, is under review by the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Bureau of Customs, Washington 25, D. C. To assure consideration of such communications, they must be received in the Bureau not later than 30 days from the publication of this notice. No hearings will be held.

[SEAL]

RALPH KELLY,  
Commissioner of Customs.[F. R. Doc. 58-6935; Filed, Aug. 26, 1958;  
8:33 a. m.]

## Internal Revenue Service

## RELIEF FROM EXCESS PROFITS TAX BECAUSE OF AN INADEQUATE EXCESS PROFITS CREDIT

## ALLOWANCE DURING FISCAL YEAR ENDED JUNE 30, 1958

Subchapter E of Chapter 2 of the 1939 Internal Revenue Code imposes an excess profits tax on corporations for taxable years beginning after December 31, 1939. Under the provisions of this subchapter excess profits are measured by comparing the earnings for the current taxable year with a statutory excess profits credit.

Section 722 of Subchapter E reflects the recognition by Congress of the desirability and necessity of granting relief in meritorious cases to corporations which bear an excessive burden because of an inadequate excess profits credit. This section provides for the recomputation of excess profits tax on the basis of a reconstructed excess profits credit.

As required by section 6105 of the 1954 Internal Revenue Code the following list, containing the cases arranged alphabetically by internal revenue districts, shows the name and address of each corporation to which relief has been allowed, business, taxable years involved, excess profits credit before allowance of relief, increase in excess profits credit claimed, increase in excess profits credit allowed, decrease in excess profits tax, and increase in income tax.

Allowances pursuant to decisions entered by The Tax Court of the United States have been made in eighty-two docketed cases. These are included in the list with appropriate notations. There are included as a supplemental to this list twelve cases in which relief was allowed by the Commissioner and two cases in which relief was allowed by The Tax Court of the United States during the fiscal year ended June 30, 1957. These cases were not included in the list of allowances made during the fiscal year 1957 previously published.

In order to determine the relief granted and the relevant data required to be published, intermediate computations of the excess profits tax and the income tax showing the amounts of taxes which would have been due without the benefits of section 722 were made. Comparison of the pertinent items and figures appearing in the application for relief and the tax computations after allowance of relief with those appearing in the intermediate tax computations developed the required data.

Explanations of certain items, as displayed in their respective column headings of the list, and the data evolved follow:

*Business in which engaged, column 2.* The business in which taxpayer is engaged is that reported in the income tax return of the corporation for the taxable year or years involved; therefore, it does not necessarily correspond with the business during the base period. In those instances where the return for the year involved failed to disclose the nature of the business, information from other sources was utilized. Moreover, since the nature of business shown usually represents a general description of the predominant business activity, it does not necessarily represent or reflect the business activity with respect to which an inadequate excess profits credit was established.

*Excess profits credit before allowance of relief, column 4.* The excess profits credit before allowance of relief is the credit originally claimed by the taxpayer, as corrected, whether based on income or invested capital.

*Increase in the amount of excess profits credit claimed by taxpayer, column 5.* The increase in the amount of excess profits credit claimed by taxpayer is the excess of the credit based on the constructive income claimed by the taxpayer over the credit before allowance of relief shown in column 4.

*Increase in the amount of excess profits credit allowed, column 6.* This increase in the amount of excess profits credit allowed is the excess of the recomputed credit based on constructive income finally allowed over the credit before allowance of relief shown in column 4.

*Gross reduction in the excess profits tax, column 7.*

*Gross increase in the income tax, column 8.* The gross reduction in the excess profits tax and the gross increase in the income tax resulting from the operation of section 722 are the difference between the gross taxes which would have been due without the benefits of section 722 and the gross taxes due after relief has

been granted. The gross excess profits tax is the tax due prior to the deferment under section 710 (a) (5), the foreign tax credit under section 729, the credit for debt retirement under section 783, the ten percent credit under section 784, and the adjustment under section 734. The gross income tax is the tax prior to the foreign tax credit under section 131.

The changes in the income and excess profits taxes shown reflect the effect of the increase attributable to section 722 in the unused excess profits credit carried forward from prior taxable years as well as the effect of the increase in unused excess profits credit carried back from subsequent years to the extent that claims with respect to unused credit carry-overs and carry-backs determined under section 722 were allowed within the same fiscal year.

While the decrease in excess profits tax is directly related to the increase in excess profits credit allowed, a number of factors serve to invalidate a comparison of the relationship of these two items applicable to a corporation for different taxable years or to different corporations for the same taxable year. Among the most important factors affecting this comparison are (1) increase in excess profits tax rates, (2) changes in rate structure from a graduated to a flat rate system, (3) effect of unused excess profits credits of prior and subsequent years attributable to section 722, (4) variations of provisions applicable to fiscal years, (5) limitation of excess profits tax to the amount of which 80 per cent of net income exceeds the income tax, applicable to certain taxable years, (6) relation of excess profits before the application of section 722 to the increase in excess profits credit allowed, and (7) reduction in excess profits net income due to change from invested capital method to income credit method.

For taxable years beginning after December 31, 1940, a portion of the amount by which the excess profits tax is reduced by reason of the application of section 722 is offset by an increase in income tax. This offset arises from the provisions which permit the deduction of the income subject to excess profits tax (or excess profits tax in certain taxable years) in arriving at income subject to income tax.

Lists containing the cases in which relief has been allowed for prior fiscal years have been published in the various issues of the *FEDERAL REGISTER* as follows:

Fiscal year ended—	Volume	Number	Date
June 30, 1942	9	194	Sept. 25, 1951
June 30, 1943	9	194	Sept. 25, 1951
June 30, 1944	9	219	Nov. 2, 1951
June 30, 1945	10	224	Nov. 15, 1951
June 30, 1946	11	196	Oct. 8, 1952
June 30, 1947	12	197	Oct. 8, 1952
June 30, 1948	13	205	Oct. 21, 1952
June 30, 1949	14	201	Oct. 15, 1953
June 30, 1950	15	205	Oct. 21, 1953
June 30, 1951	16	211	Oct. 20, 1954
June 30, 1952	17	175	Sept. 6, 1952
June 30, 1953	18	164	Aug. 21, 1953
June 30, 1954	19	185	Sept. 28, 1954
June 30, 1955	20	219	Nov. 9, 1955
June 30, 1956	21	183	Sept. 20, 1956
June 30, 1957	22	173	Sept. 6, 1957

[SEAL] RUSSELL C. HARRINGTON,  
Commissioner of Internal Revenue.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE  
FISCAL YEAR ENDED JUNE 30, 1958

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of Sec. 722	Gross increase in the income (ch. I) tax resulting from the operation of Sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
<i>Albany</i>							
Palatine Dyeing Co., Inc., New St., St. Johnsville, N. Y.	Custom dyeing	Dec. 31, 1940 <sup>1</sup> Dec. 31, 1941 <sup>1</sup> Dec. 31, 1942 <sup>1</sup> Dec. 31, 1943 <sup>1</sup> Dec. 31, 1944 <sup>1</sup> Dec. 31, 1945 <sup>1</sup>	\$16,293.83 19,652.27 21,764.14 21,764.14 30,110.41 30,327.32	\$105,834.07 102,792.03 101,160.26 101,160.26 101,343.40 96,238.20	\$11,829.67 14,982.63 13,330.86 13,330.86 13,614.00 8,408.80	\$2,068.62 5,985.05 11,997.78 11,997.78 13,214.00 7,088.36	None 1,865.37 7,085.36 7,085.36 6,900.85 3,363.53
<i>Atlanta</i>							
National Linen Service Corp., 445 Highland Ave., NE, Atlanta, Ga.	Linen service	Aug. 31, 1941 <sup>1</sup> Aug. 31, 1942 <sup>1</sup> Aug. 31, 1943 <sup>1</sup> Aug. 31, 1944 <sup>1</sup> Aug. 31, 1946 <sup>1</sup>	912,924.08 1,177,178.80 1,177,178.80 1,120,670.78 1,142,502.24	442,814.30 854,631.83 951,570.49 600,372.65 403,902.42	10,650.92 13,321.20 13,321.20 13,321.20 13,321.20	4,380.36 8,671.56 11,989.08 12,453.12 4,220.94	None 2,981.95 5,228.47 5,329.48 1,781.03
<i>Austin</i>							
Yeakum Industries, Inc., formerly: Texas Tanning & Manufacturing Co., and Tex Tan of Yeakum, Yeakum, Tex.	Tanning and leather manufacture	Apr. 30, 1941 <sup>1</sup> Apr. 30, 1942 <sup>1</sup> Apr. 30, 1943 <sup>1</sup> Apr. 30, 1944 <sup>1</sup>	27,715.73 34,159.55 35,098.09 36,151.71	62,409.41 77,217.80 77,217.80 77,217.84	5,312.87 16,190.45 16,190.45 16,190.45	1,328.21 7,003.42 14,571.41 13,875.41	None 2,171.06 7,097.13 7,411.57
<i>Baltimore</i>							
Crown Cork & Seal Co., Inc., 4425 Eastern Ave., Baltimore, Md.	Manufacturers of closures, machinery, etc.	Dec. 31, 1941 <sup>1</sup> Dec. 31, 1943 <sup>1</sup> Dec. 31, 1944 <sup>1</sup> Dec. 31, 1945 <sup>1</sup> Dec. 31, 1942 <sup>1</sup>	2,475,245.07 2,583,541.35 2,567,260.45 2,701,881.54 2,335,885.94	1,493,597.12 1,385,210.84 1,401,501.74 1,266,870.65 3,767,360.51	422,254.93 313,938.65 330,249.55 330,714.88 775,364.06	433,996.56 282,502.78 313,737.06 319,879.14 697,827.65	134,538.93 125,583.46 132,090.81 134,685.95 325,652.91
<i>Boston</i>							
Mutual Shoe Co., 135 Maple St., Marlboro, Mass.	Manufacturers of women's novelty shoes	May 31, 1943 <sup>1</sup> May 31, 1945 <sup>1</sup> May 31, 1946 <sup>1</sup>	17,903.11 18,923.78 19,556.95	58,046.89 57,076.22 55,443.04	3,288.89 2,318.22 1,685.04	4,775.63 3,797.05 2,753.03	2,068.52 1,781.23 1,535.90
Western Massachusetts Theatres, Inc., 265 State St., Springfield, Mass.	Motion picture theaters	Dec. 31, 1941 <sup>1</sup> Dec. 31, 1941 <sup>1</sup> Dec. 31, 1942 <sup>1</sup>	67,637.35 69,150.56 70,374.85	95,155.68 84,637.47 86,064.18	16,462.65 21,093.44 13,875.15	683.11 18,892.12 12,487.64	None 5,858.11 5,350.06
<i>Brooklyn</i>							
Consolidated Cork Corp., 4012 Second Ave., Brooklyn, N. Y.	Manufacturers of bottle crowns	Dec. 31, 1940 <sup>1</sup> Dec. 31, 1941 <sup>1</sup> Dec. 31, 1942 <sup>1</sup> Dec. 31, 1943 <sup>1</sup> Dec. 31, 1944 <sup>1</sup> Dec. 31, 1945 <sup>1</sup>	74,187.33 81,121.49 81,121.49 81,121.49 81,121.49 81,121.49	64,913.54 111,471.28 165,925.99 221,210.06 221,210.06 221,210.06	3,712.47 23,378.51 23,378.51 23,378.51 23,378.51 23,378.51	1,113.75 11,688.25 21,040.66 21,040.66 22,209.59 22,209.58	None 3,623.73 9,351.41 9,351.41 9,351.41 9,351.40
<i>Buffalo</i>							
Michaels, Stern & Co., Inc., 87 Clinton Ave., North, Rochester 2, N. Y.	Manufacturers—men's clothing	Nov. 30, 1942 <sup>1</sup> Nov. 30, 1943 <sup>1</sup> Nov. 30, 1944 <sup>1</sup> Nov. 30, 1945 <sup>1</sup> Nov. 30, 1946 <sup>1</sup>	150,412.33 129,601.26 133,740.94 133,096.94 132,891.09	400,504.74 421,225.81 417,170.18 417,820.13 418,025.38	None 3,308.74 None None 108.31	5,990.30 15,651.25 10,688.90 9,783.29 648.14	2,281.69 6,650.11 4,258.82 4,119.28 357.11
<i>Chicago</i>							
Automatic Canteen Co. of America, 222 North Bank Dr., Chicago 54, Ill.	Confectionery and drink merchandising	Sept. 30, 1941 <sup>1</sup> Sept. 30, 1942 <sup>1</sup> Sept. 30, 1943 <sup>1</sup> Sept. 30, 1944 <sup>1</sup> Sept. 30, 1945 <sup>1</sup> Sept. 30, 1946 <sup>1</sup>	603,601.68 511,511.71 721,443.24 737,428.23 739,818.89 761,655.81	234,316.90 211,225.81 316,234.73 316,234.73 316,234.74 316,234.73	45,485.99 23,378.51 82,711.55 82,711.55 82,711.55 82,711.55	21,818.70 50,793.18 74,440.40 77,536.42 78,575.97 19,805.45	None 18,038.78 33,084.62 33,084.61 33,084.62 8,339.14
Avilson Tools & Machines Inc., Formerly: Republic Drill & Tool Co., 322 South Green St., Chicago, Ill.	Manufacturers of twist drills	July 31, 1941 <sup>1</sup> June 30, 1942 <sup>1</sup> Dec. 31, 1940 <sup>1</sup> Dec. 31, 1941 <sup>1</sup> Dec. 31, 1942 <sup>1</sup> Dec. 31, 1943 <sup>1</sup> Dec. 31, 1944 <sup>1</sup> Dec. 31, 1945 <sup>1</sup> Dec. 31, 1946 <sup>1</sup>	48,057.58 913,941.56 499,453.85 1,172,192.83 923,308.96 923,308.96 923,308.96 923,308.96 923,308.96	913,941.56 84,795.13 1,066,206.63 154,559.95 17,662.26 17,662.26 17,662.26 17,662.26 17,662.26	87,871.56 38,043.01 92,735.95 15,896.04 15,896.03 16,779.14 16,779.14 16,779.14 16,779.14	None 28,748.13 7,064.91 7,064.90 7,064.90 7,064.90 7,064.90 7,064.90	
Bills & Laughlin, Inc., Harvey, Ill.	Manufacture of cold drawn steel	Dec. 31, 1941 <sup>1</sup> Dec. 31, 1942 <sup>1</sup> Dec. 31, 1943 <sup>1</sup> Dec. 31, 1944 <sup>1</sup> Dec. 31, 1945 <sup>1</sup> Dec. 31, 1946 <sup>1</sup>	22,508.41 22,508.41 22,508.41 22,508.41 22,508.41 22,508.41	1,634,331.59 1,634,331.59 48,743.59 48,743.59 48,743.59 48,743.59	31,927.67 22,388.41 36,940.50 43,806.23 46,306.41 51,727.12	14,738.17 6,940.41 22,371.21 19,497.44 16,617.44 26,969.84	
Copper Tin Plate Co., 4100 West 42d Pl., Chicago, Ill. Dad's Root Beer Co., 2800 North Tallman Ave., Chicago 18, Ill.	Lithographing of sheet steel Manufacturers—carbonated beverages	Dec. 31, 1941 <sup>1</sup> Dec. 31, 1942 <sup>1</sup> Dec. 31, 1943 <sup>1</sup> Dec. 31, 1944 <sup>1</sup> Dec. 31, 1945 <sup>1</sup> Dec. 31, 1946 <sup>1</sup>	22,508.41 22,508.41 22,508.41 22,508.41 22,508.41 22,508.41	1,634,331.59 48,743.59 48,743.59 48,743.59 48,743.59 48,743.59	31,927.67 22,388.41 36,940.50 43,806.23 46,306.41 51,727.12	14,738.17 6,940.41 22,371.21 19,497.44 16,617.44 26,969.84	
J. G. C. Co., Formerly: John Griffiths and Son Construction Co., 228 North LaSalle St., Chicago 1, Ill. Kuehler Manufacturing Co., Naperville, Ill.	General contractors	Dec. 31, 1941 <sup>1</sup> Dec. 31, 1942 <sup>1</sup> Dec. 31, 1943 <sup>1</sup> Dec. 31, 1944 <sup>1</sup> Dec. 31, 1945 <sup>1</sup> Dec. 31, 1946 <sup>1</sup>	51,221.78 13,007.13 4,987,279.66 5,147,400.80 5,102,780.60 5,250,940.13	174,403.22 392,609.54 4,922,275.05 7,763,154.81 8,407,775.60 4,733,100.39	15,278.22 3,142.27 234,316.90 94,719.91 139,340.70 64,655.49	60,727.12 9,352.59 22,388.41 85,247.92 132,373.66 61,432.22	26,866.19 2,899.30 33,084.62 37,887.90 132,373.66 25,866.19
Marshall Field & Co., 25 East Washington St., Chicago, Ill.	Manufacture of furniture	Dec. 31, 1941 <sup>1</sup> Dec. 31, 1942 <sup>1</sup> Dec. 31, 1943 <sup>1</sup> Dec. 31, 1944 <sup>1</sup> Dec. 31, 1945 <sup>1</sup> Dec. 31, 1946 <sup>1</sup>	930,822.88 973,685.00 4,987,279.66 5,147,400.80 5,102,780.60 5,250,940.13	507,151.14 464,635.45 4,922,275.05 7,763,154.81 8,407,775.60 4,733,100.39	57,030.60 13,315.00 234,316.90 94,719.91 139,340.70 64,655.49	59,887.69 13,002.78 5,805.68 85,247.92 132,373.66 61,432.22	18,565.19 5,602.78 5,602.78 37,887.90 132,373.66 26,866.19
Massey Concrete Products Co., 111 West Washington St., Chicago, Ill. Motor Master Products Corp., 1800 Winnemac Ave., Chicago 40, Ill. Reynolds Engineering Co., 501 38th St., Rock Island, Ill.	Manufacturing concrete products Manufacture of spark plugs Jobbing machine shop	Dec. 31, 1941 <sup>1</sup> Dec. 31, 1942 <sup>1</sup> Dec. 31, 1943 <sup>1</sup> Dec. 31, 1944 <sup>1</sup> Dec. 31, 1945 <sup>1</sup> Dec. 31, 1946 <sup>1</sup>	5,514.34 5,706.90 31,214.19 31,314.19 31,314.19 115,782.20	6,210.12 6,017.56 24,816.72 24,816.72 24,816.72 148,822.19	1,542.82 1,350.26 1,215.23 6,020.81 5,418.73 5,719.77	1,542.82 1,350.26 1,215.23 6,020.81 5,418.73 5,719.77	2,899.30 1,800.50 364.58 3,010.40 3,191.03 3,191.03
Stearns Manufacturing Corp., 328 Gale St., Aurora, Ill.	Novelty manufacturers	Dec. 31, 1941 <sup>1</sup> Dec. 31, 1942 <sup>1</sup> Dec. 31, 1943 <sup>1</sup> Dec. 31, 1944 <sup>1</sup> Dec. 31, 1945 <sup>1</sup>	46,457.29 49,134.85 49,134.85 49,134.85 115,782.20	131,832.87 146,611.64 146,611.64 146,611.64 148,822.19	11,777.71 25,155.15 25,155.15 25,155.15 50,990.24	27,078.89 15,287.62 10,062.07 47,804.77 33,778.02	13,138.76 10,062.07 20,124.12 20,390.10
The Whitecomb Locomotive Co., 5% Baldwin-Lima-Hamilton Corp., Eddystone, Pa.	Manufacture of small locomotives	Dec. 31, 1945 <sup>1</sup>					

See footnotes at end of table.

## NOTICES

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued  
FISCAL YEAR ENDED JUNE 30, 1948

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of Sec. 722	Gross increase in the income (ch. I) tax resulting from the operation of Sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
<i>Cleveland</i>							
The Ohio Boxboard Co., Rittman, Ohio.....	Manufacturer of paper board and boxes.	Dec. 31, 1947 <sup>1</sup>	\$312,941.10	\$234,606.55	\$14,908.90	\$8,883.34	\$2,754.61
		Dec. 31, 1942 <sup>1</sup>	355,509.10	192,038.65	71,900.90	66,046.84	29,354.15
		Dec. 31, 1943 <sup>1</sup>	384,808.37	162,739.38	42,601.53	41,808.27	18,581.45
<i>Dallas</i>							
E. M. Goodwin Inc., Mission, Tex.....	Fruit production & orchard care.	Dec. 31, 1941 <sup>1</sup>	7,741.91	64,298.39	8,045.76	3,003.12	750.75
		Dec. 31, 1942 <sup>1</sup>	8,950.07	63,090.43	11,495.30	10,345.77	3,554.92
		Dec. 31, 1943 <sup>1</sup>	13,845.20	58,195.30	9,935.43	8,940.08	5,649.05
		Dec. 31, 1944 <sup>1</sup>	13,474.91	58,568.69	10,146.56	18,189.24	9,851.15
		Dec. 31, 1945 <sup>1</sup>	13,474.19	58,566.31	10,946.42	18,965.20	10,157.82
E. T. Renfro Drug Co., 1601 North Ballinger St., Fort Worth, Tex.....	Retail drugs.....	Dec. 31, 1942 <sup>1</sup>	36,427.89	28,645.87	8,713.63	22,611.38	10,042.51
<i>Des Moines</i>							
May Seed and Nursery Co., Shenandoah, Iowa.....	Merchandising.....	June 30, 1942 <sup>1</sup>	23,343.27	164,528.11	68,711.73	31,387.69	9,730.15
<i>Detroit</i>							
Hoover Ball & Bearing Co., Formerly: Gerity Michigan Corp., and Gerity-Adrian Manufacturing Corp., Ann Arbor, Mich.....	Manufacturers of war materials.	June 30, 1941 <sup>1</sup>	15,508.36	182,266.64	6,012.46	3,824.00	None
		June 30, 1942 <sup>1</sup>	23,281.27	227,734.98	10,601.46	10,483.18	3,250.40
		June 30, 1943 <sup>1</sup>	27,859.00	224,086.18	7,044.67	11,834.69	6,966.20
		June 30, 1945 <sup>1</sup>	24,563.53	227,383.05	10,339.54	24,542.73	11,693.55
Motor Products Corp., 11801 Mack Ave., Detroit 14, Mich.....	Manufacturers of automobile parts.	June 30, 1943 <sup>1</sup>	1,159,357.63	1,400,311.77	None	330,078.93	109,035.55
F. L. Jacobs Co., Successor by merger to Continental Die Casting Corp., 17112 West McNichols Rd., Detroit, Mich.....	Manufacturer of automobiles, hardware and ordnance materials.	Dec. 31, 1943 <sup>1</sup>	151,558.31	290,028.47	57,941.09	45,147.82	19,176.65
Standard Tube Co., 24300 Plymouth Rd., Detroit, Mich.....	Manufacture of welded and formed steel tubing and steel forging.	Dec. 31, 1944 <sup>1</sup>	151,568.31	290,028.47	47,941.69	18,591.24	7,827.80
<i>Greensburg</i>							
Erwin Mills, Inc., Formerly: The Erwin Cotton Mills Co., Durham, N. C.....	Manufacturer cotton textiles.....	Dec. 31, 1942 <sup>1</sup>	1,018,052.45	1,630,383.56	None	1,533.45	681.55
		Dec. 31, 1943 <sup>1</sup>	1,008,900.40	1,639,526.61	None	1,495.35	664.60
		Dec. 31, 1944 <sup>1</sup>	938,040.45	1,710,305.56	68,939.55	70,016.59	29,480.68
		Dec. 31, 1945 <sup>1</sup>	936,178.06	1,712,257.57	70,321.94	68,382.85	23,792.77
Jenkins-Jones Motor Corp., Transferor W. H. Jones, et al., Transferees Kinston, N. C.....	Ford agency.....	Oct. 31, 1942 <sup>1</sup>	3,724.15	33,275.85	5,775.85	1,722.28	480.12
		Oct. 31, 1943 <sup>1</sup>	5,163.05	51,836.95	4,336.95	3,903.26	1,170.97
		Nov. 1, 1943	4,518.77	52,481.23	4,981.23	749.23	208.12
<i>Helena</i>							
Montana Flour Mills Co., 900 16th St., Great Falls, Mont.....	Merchant millers.....	June 30, 1943 <sup>1</sup>	286,589.77	430,768.60	22,160.23	90,458.02	40,203.79
<i>Jackson</i>							
Armstrong Tire and Rubber Co., Natchez, Miss.....	Manufacturer of auto and truck tires and tubes.	Jan. 31, 1941 <sup>1</sup>	100,502.02	342,058.06	67,830.11	28,650.68	None
		Jan. 31, 1942 <sup>1</sup>	133,905.80	678,523.00	102,344.20	65,967.59	6,546.74
		Jan. 31, 1943 <sup>1</sup>	129,693.36	682,735.44	106,556.64	110,318.44	49,050.42
		Jan. 31, 1944 <sup>1</sup>	132,221.79	680,207.01	104,028.21	82,277.45	47,623.28
		Jan. 31, 1945 <sup>1</sup>	161,378.69	651,051.11	74,871.31	91,896.74	38,691.35
		Jan. 31, 1946 <sup>1</sup>	179,862.67	632,566.13	56,287.33	38,099.56	27,347.12
Sunflower Grocery Co., Drew, Miss.....	Wholesale grocery.....	Dec. 31, 1943 <sup>1</sup>	8,405.31	7,279.41	429.69	386.72	115.02
<i>Jacksonville</i>							
Moore Dry Kiln Co., 1220 West State St., Jacksonville, Fla.....	Dry kiln manufacturers.....	Dec. 31, 1944	67,770.98	169,873.02	11,223.02	10,661.87	4,489.22
<i>Kansas City</i>							
Collins Construction Co., 800 Land Bank Bldg., Kansas City, Mo.....	General building contractors.....	Dec. 31, 1942 <sup>1</sup>	7,626.99	36,054.82	4,248.01	6,849.00	2,020.66
Shallow Water Refining Co., P. O. Box 459, Garden City, Kans.....	Oil refining.....	Dec. 31, 1943 <sup>1</sup>	7,626.99	36,054.82	4,248.01	8,821.21	1,231.03
		July 31, 1943 <sup>1</sup>	27,794.04	87,588.94	4,505.96	12,027.85	5,407.15
		July 31, 1945 <sup>1</sup>	27,794.04	87,588.94	4,505.96	2,595.62	1,604.13
<i>Little Rock</i>							
Arkansas Motor Coaches Ltd., Inc., 627 Pyramid Bldg., Little Rock, Ark.....	Bus transportation.....	Dec. 31, 1942 <sup>1</sup>	2,715.66	62,077.28	18,181.34	21,347.36	13,204.37
<i>Los Angeles</i>							
Southwest Exploration Co., 511 West Seventh St., Los Angeles, Calif.....	Oil and gas production.....	Dec. 31, 1940	147,487.24	273,165.16	193,613.36	47,401.28	None
		Dec. 31, 1941	181,835.29	323,215.11	395,131.06	170,411.67	54,897.63
		Dec. 31, 1942	181,835.29	323,215.11	423,834.36	433,415.31	201,517.91
		Dec. 31, 1943	181,835.29	354,101.51	423,834.36	381,450.98	169,533.71
		Dec. 31, 1944	181,835.29	605,347.16	423,834.36	321,821.62	169,533.74
		Dec. 31, 1945	181,835.29	774,345.41	423,834.36	294,548.54	169,533.74
		May 31, 1941 <sup>1</sup>	30,482.10	127,628.49	34,053.90	11,328.36	None
		May 31, 1942 <sup>1</sup>	27,799.62	130,310.97	52,000.38	26,029.98	8,069.29
		May 31, 1943 <sup>1</sup>	31,118.49	70,492.10	48,681.51	49,075.47	22,887.30
		May 31, 1944 <sup>1</sup>	31,053.78	126,126.81	47,816.22	45,639.74	21,475.25
		May 31, 1945 <sup>1</sup>	35,191.86	122,918.73	44,508.14	35,122.95	20,129.32
Wilmington Gasoline Co., 555 South Flower St., Los Angeles 13, Calif.....	Natural gasoline manufacturing.....	Apr. 30, 1944 <sup>1</sup>	18,426.57	37,725.87	22,412.29	40,375.87	19,870.41
<i>Louisville</i>							
Taylor & Williams Distilleries, Inc., 3000 Seventh Street Rd., Louisville, Ky.....	Distillery.....	June 30, 1941 <sup>1</sup>	200,445.29	1,079,691.42	33,254.81	11,112.40	None
		June 30, 1942 <sup>1</sup>	242,288.22	1,037,848.49	42,711.78	20,797.67	6,447.35
		June 30, 1943 <sup>1</sup>	231,962.22	1,037,848.49	42,711.78	58,335.54	25,892.07

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued  
FISCAL YEAR ENDED JUNE 30, 1958

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of Sec. 722	Gross increase in the income (ch. D) tax resulting from the operation of Sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
<i>Milwaukee</i>							
Bergstrom Paper Co., 225 West Wisconsin, Neenah, Wis.	Manufacture of paper	Dec. 31, 1941 <sup>1</sup>	\$112,413.82	\$23,121.34	\$7,603.77	\$4,939.50	\$1,531.25
		Dec. 31, 1942 <sup>1</sup>	116,745.83	18,318.59	12,535.38	20,580.67	9,146.97
Waite Carpet Co., 555 Mt. Vernon St., Oshkosh, Wis.	Manufacture of rugs, carpets, etc.	Dec. 31, 1941 <sup>1</sup>	118,669.33	16,395.99	10,612.88	17,632.57	7,836.70
		Dec. 31, 1942 <sup>1</sup>	51,710.07	98,022.35	7,237.43	3,266.85	None
Albert H. Weinbrenner Co., 2025 North Summit Ave., Milwaukee, Wis.	Shoe manufacturing	Dec. 31, 1941 <sup>1</sup>	55,700.59	98,773.00	13,649.41	6,824.70	2,115.66
		Dec. 31, 1942 <sup>1</sup>	63,156.04	99,185.42	6,193.96	9,736.94	4,327.53
		Dec. 31, 1943 <sup>1</sup>	68,000.56	99,283.90	1,289.44	5,640.80	2,897.04
		Dec. 31, 1944 <sup>1</sup>	192,089.79	149,889.07	40,540.28	28,536.25	8,877.23
		Dec. 31, 1942 <sup>1</sup>	200,122.75	200,928.79	34,733.40	26,108.04	16,048.01
		Dec. 31, 1943 <sup>1</sup>	207,544.91	202,294.33	33,311.24	32,201.05	14,311.57
		Dec. 31, 1944 <sup>1</sup>	211,004.91	286,046.63	29,851.24	30,129.24	12,586.00
		Dec. 31, 1945 <sup>1</sup>	214,632.26	286,604.73	30,499.34	30,274.69	12,747.23
<i>Nashville</i>							
Davenport Hosiery Mills, Inc., 110-116 East Ninth St., Chattanooga, Tenn.	Manufacturers of women's full fashioned hosiery	Dec. 31, 1940 <sup>1</sup>	230,505.19	445,209.75	42,864.81	13,676.47	None
		Dec. 31, 1941 <sup>1</sup>	275,072.39	334,846.13	133,137.61	133,374.10	41,343.97
		Dec. 31, 1942 <sup>1</sup>	274,129.08	335,783.44	140,070.92	41,346.68	18,376.30
The Hippodrome Motor Co., 1212 Broad St., Nashville, Tenn.	Automobile and trucks, parts and service	Dec. 31, 1943 <sup>1</sup>	271,838.41	538,060.11	142,341.59	128,107.43	56,936.63
Tennessee Wholesale Drug Co., 160 Second Ave., North, Nashville, Tenn.	Wholesale drugs and sundries	Dec. 31, 1945 <sup>1</sup>	208,764.58	541,151.94	145,435.42	138,163.65	58,174.17
<i>Newark</i>							
Baker & Company, Inc., 113 Astor St., Newark 5, N.J.	Refiners and workers of precious metal	Dec. 31, 1941 <sup>1</sup>	431,587.50	363,892.10	43,412.50	14,602.85	4,526.88
Hackensack Cable Corp., 110 Orchard St., Hackensack, N.J.	Manufacturing wire rope and cable	Dec. 31, 1941 <sup>1</sup>	960.25	74,653.10	10,724.75	4,526.63	1,493.27
		Dec. 31, 1942 <sup>1</sup>	2,440.10	73,173.25	9,244.90	7,653.87	2,496.12
		Dec. 31, 1943 <sup>1</sup>	979.79	74,633.56	10,705.21	6,168.94	2,221.12
		Dec. 31, 1944 <sup>1</sup>	1,056.60	74,556.75	10,628.40	4,508.38	2,514.67
		Dec. 31, 1945 <sup>1</sup>	4,949.60	70,663.75	6,735.40	5,047.65	2,552.69
Tankport Terminals, Inc., 1180 Raymond Blvd., Newark, N.J.	Tank storage and blending of petroleum products	Apr. 30, 1944 <sup>1</sup>	23,367.40	98,070.60	18,346.60	20,415.60	11,641.92
		Apr. 30, 1945 <sup>1</sup>	23,873.73	97,564.27	17,840.27	20,268.56	11,084.93
		Apr. 30, 1946 <sup>1</sup>	25,003.80	96,344.20	16,620.20	9,801.69	5,901.79
<i>New Orleans</i>							
Seatrail Lines, Inc., 1024 Whitney Bank Bidg., New Orleans 12, La.	Water transportation	Dec. 31, 1940 <sup>1</sup>	389,157.32	568,223.39	75,842.68	29,839.97	None
		Dec. 31, 1941 <sup>1</sup>	696,163.60	1,367,594.20	586,336.40	351,801.84	109,051.57
		Dec. 31, 1942 <sup>1</sup>	1,367,594.20	703,186.40	673,148.74	300,066.11	
		Dec. 31, 1943 <sup>1</sup>	696,163.60	1,254,767.31	703,186.40	613,897.15	258,483.01
		Dec. 31, 1945 <sup>1</sup>	696,163.60	1,254,767.31	703,186.40	1,274,649.03	530,694.30
Virgin-Bombet Co., Inc., 800 St. Philip St., Baton Rouge, La.	Wholesale beer and liquor	Dec. 31, 1941 <sup>1</sup>	16,052.37	53,019.05	5,903.68	2,061.48	620.40
		Dec. 31, 1942 <sup>1</sup>	16,115.46	48,221.49	4,941.59	4,446.53	1,828.67
		Dec. 31, 1943 <sup>1</sup>	16,115.45	49,502.40	4,940.60	4,446.53	1,823.59
		Dec. 31, 1944 <sup>1</sup>	16,115.46	46,221.49	4,940.59	4,693.56	2,618.51
		Dec. 31, 1945 <sup>1</sup>	16,115.46	46,221.49	4,940.59	4,693.56	2,618.51
<i>Oklahoma City</i>							
Frank's Manufacturing Corp., 2801 Dawson Rd., Tulsa, Okla.	Machine shop and manufacturing	Dec. 31, 1940 <sup>1</sup>	5,971.80	61,303.08	17,685.59	8,884.70	None
		Dec. 31, 1941 <sup>1</sup>	7,955.10	105,335.85	20,534.90	11,908.58	3,091.66
		Dec. 31, 1942 <sup>1</sup>	24,978.78	61,198.24	3,621.22	9,231.17	5,014.19
Orbit Valve Co., formerly: The Oil Well Improvement Co., Tulsa, Okla.	Oil well supplies—manufacturers and distributors	June 30, 1942 <sup>1</sup>	18,418.18	85,919.62	5,226.82	3,310.26	1,450.51
		June 30, 1943 <sup>1</sup>	17,651.21	84,686.60	4,293.70	3,905.45	1,528.79
		June 30, 1944 <sup>1</sup>	20,010.18	82,327.62	1,934.82	1,789.42	1,153.72
<i>Omaha</i>							
Boyd Jewelry Co., Inc., 1144 O St., Lincoln, Nebr.	Retail jewelry	Dec. 31, 1942 <sup>1</sup>	4,260.82	7,125.49	673.18	2,101.69	3,630.51
<i>Wheeling</i>							
Wheeling Corrugating Co., Wheeling Steel Bidg., Wheeling, W. Va.	Sheet steel and formed products	Dec. 31, 1942	1,341,195.17	1,508,804.83	175,804.83	160,924.35	71,521.93
		Dec. 31, 1943	1,341,195.17	1,508,804.83	178,804.83	160,924.35	71,521.93
		Dec. 31, 1944	1,341,195.17	1,508,804.83	178,804.83	169,804.39	71,521.93
		Dec. 31, 1945	1,570,548.40	1,801,951.80	139,451.60	132,479.02	55,790.04
<i>Philadelphia</i>							
M. L. Bayard & Co., Inc., 20th St. and Indiana Ave., Philadelphia, Pa.	Manufacturers of special heavy machinery	Dec. 31, 1941 <sup>1</sup>	30,352.52	247,785.63	2,562.48	2,420.68	750.23
Electric Heating Equipment Co., 25 South 32d St., Philadelphia 4, Pa.	Electric heating engineers—contracting	Dec. 31, 1940 <sup>1</sup>	1,693.58	57,775.42	4,794.92	960.23	None
		Dec. 31, 1941 <sup>1</sup>	1,829.64	57,610.35	6,053.85	2,827.45	836.12
		Dec. 31, 1942 <sup>1</sup>	5,223.84	54,246.16	2,889.65	2,953.97	1,265.69
		Dec. 31, 1943 <sup>1</sup>	5,523.73	53,946.27	2,389.77	2,371.43	1,079.01
		Mar. 31, 1942 <sup>1</sup>	3,859.24	52,516.20	13,205.75	5,657.00	1,703.11
		Mar. 31, 1943 <sup>1</sup>	4,285.18	50,604.82	10,804.82	7,874.00	2,900.75
		Mar. 31, 1944 <sup>1</sup>	8,759.81	88,140.19	8,340.19	6,742.23	2,688.77
		Mar. 31, 1946 <sup>1</sup>	10,158.45	84,693.11	6,941.55	2,738.41	1,806.98
		Dec. 31, 1943	5,827,301.81	1,602,683.47	672,830.71	1,358,761.62	603,805.38
		Dec. 31, 1943	6,823,968.27	2,161,315.28	940,703.23	41,770.24	18,567.22
		Dec. 31, 1944	6,954,338.98	2,161,345.28	839,954.00	2,454,283.75	1,033,382.63
<i>Pittsburgh</i>							
Glenshaw Glass Co., Glenshaw, Pa.	Manufacturers of glass containers	Sept. 30, 1943 <sup>1</sup>	150,234.13	70,563.29	26,015.87	24,003.13	10,400.22
Rockwell Manufacturing Co., formerly: Merco Nordstrom Valve Co., 400 North Lexington Ave., Pittsburgh, Pa.	Sale of valves and accessories	Dec. 31, 1940 <sup>1</sup>	484,215.90	80,663.30	10,005.17	2,854.16	None
		Nov. 30, 1941 <sup>1</sup>	584,822.22	77,464.87	12,764.91	7,071.48	2,159.50
Westinghouse Electric Corp., formerly: Westinghouse Electric & Manufacturing Co., 5 Gateway Center, P. O. Box 2758, Pittsburgh, Pa.	Manufacture, sale, and installation of electrical and steam apparatus	Dec. 31, 1940	14,933,975.12	6,171,353.32	1,311,024.88	476,989.65	None
		Dec. 31, 1941	17,123,551.80	10,000,011.55	3,930,162.90	2,110,030.45	724,998.66
		Dec. 31, 1942	21,674,191.53	9,184,162.20	2,023,299.21	1,885,986.57	804,529.03
		Dec. 31, 1943	21,580,786.26	9,477,567.47	2,310,704.48	2,081,119.43	922,767.19
<i>Providence</i>							
Lloyd Manufacturing Co., Inc., 3661 West Shore Rd., Apponaug, R. I.	Manufacturing rubber goods and rubberizing fabrics	Dec. 31, 1941 <sup>1</sup>	11,790.20	\$7,304.66	12,790.06	13,086.18	4,056.72
		Dec. 31, 1942 <sup>1</sup>	13,880.89	\$8,044.11	13,619.11	12,333.49	5,810.05
See footnotes at end of table.		Dec. 31, 1943 <sup>1</sup>	15,192.98	\$4,072.35	12,347.35	11,395.74	4,479.20

## NOTICES

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued  
FISCAL YEAR ENDED JUNE 30, 1948

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of Sec. 722	Gross increase in the income (ch. D) tax resulting from the operation of Sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
<i>Reno</i>							
Wells Fargo, Inc., Formerly: Wells, Inc., 1775 East Fourth St., Reno, Nev.	Motor freight transportation	Dec. 31, 1942 <sup>1</sup> Dec. 31, 1943 <sup>1</sup>	\$14,582.97 14,582.97	\$41,353.03 41,353.03	\$4,417.03 4,417.03	\$4,006.97 7,930.66	\$1,302.12 4,682.05
<i>Richmond</i>							
Shenandoah Knitting Mills, Inc., 2500 North Broad St., Charlotte, N. C.	Manufacturers of women's hosiery	Dec. 31, 1941 <sup>1</sup> Dec. 31, 1943 <sup>1</sup> Dec. 31, 1944 <sup>1</sup> Dec. 31, 1945 <sup>1</sup>	13,742.87 15,980.35 17,371.37 18,778.91	22,566.83 20,624.35 19,442.33 18,034.79	7,476.13 5,733.65 4,451.63 2,944.09	3,457.70 6,865.66 4,711.88 2,795.88	1,377.54 2,303.51 2,628.73 1,500.37
<i>St. Louis</i>							
Eisenstadt Manufacturing Co., 317 North 11th St., St. Louis, Mo.	Dealers in precious stones, jewelry, etc.	Feb. 28, 1942 <sup>1</sup> Feb. 28, 1943 <sup>1</sup> Jan. 31, 1942 <sup>1</sup> Jan. 31, 1943 <sup>1</sup>	38,609.08 40,000.60 5,165,193.29 6,154,970.63	46,978.38 45,532.41 1,851,769.21 1,967,266.07	11,978.38 10,538.66 60,766.71 60,689.37	6,349.88 9,961.89 40,060.02 60,250.43	1,968.41 8,137.51 12,418.61 26,795.73
The May Department Stores Co., Sixth and Olive Sts., St. Louis, Mo.	Department stores	Jan. 31, 1944 <sup>1</sup>	5,148,970.63	2,254,590.47	60,989.37	57,445.68	26,795.73
<i>San Francisco</i>							
Huntington Beach Co., 225 Bush St., San Francisco, Calif.	Land owner	Dec. 31, 1944 <sup>1</sup> Dec. 31, 1945 <sup>1</sup>	424,962.84 424,962.84	428,273.96 511,676.36	171,408.91 172,808.91	201,422.51 273,209.21	126,914.73 110,035.47
<i>Springfield</i>							
Alton Box Board Co., P. O. Box 276, Alton, Ill.	Manufacturers of paper box board	Dec. 31, 1941 <sup>1</sup> Dec. 31, 1942 <sup>1</sup> Dec. 31, 1943 <sup>1</sup> Dec. 31, 1944 <sup>1</sup> Dec. 31, 1945 <sup>1</sup>	412,068.48 454,537.56 470,243.80 470,270.77 470,244.60	265,272.29 310,766.03 363,068.74 353,759.15 368,555.47	155,528.91 189,914.22 174,701.75 174,701.75 174,701.75	83,411.56 113,948.53 137,231.58 157,231.57 165,906.66	None 25,324.05 69,880.70 69,880.70 69,880.70 69,880.70
<i>Upper Manhattan</i>							
Best & Co., Inc., 645 Fifth Ave., New York 22, N. Y.	Retail apparel specialty stores	Jan. 31, 1943 <sup>1</sup> Jan. 31, 1944 <sup>1</sup> Jan. 31, 1945 <sup>1</sup> Jan. 31, 1946 <sup>1</sup> Dec. 31, 1946 <sup>1</sup>	1,250,401.58 1,285,103.34 1,244,827.60 1,244,827.60 5,005,299.12	440,774.04 443,072.28 446,348.02 446,348.02 22,734,628.18	200,192.42 202,490.66 205,766.40 205,766.40 2,671,148.83	180,173.17 182,101.50 195,478.07 170,014.20 1,128,885.61	\$0,676.97 80,994.27 82,306.53 75,316.14 58,200.20
Cardinal Theatre Co., 1585 Broadway, New York 36, N. Y.	Theatre enterprise	Dec. 31, 1942 <sup>1</sup> Dec. 31, 1943 <sup>1</sup> Aug. 31, 1943 <sup>1</sup> Aug. 31, 1944 <sup>1</sup> Aug. 31, 1945 <sup>1</sup> Aug. 31, 1946 <sup>1</sup> Dec. 31, 1946 <sup>1</sup>	1,244,577.77 1,244,577.77 1,097.41 2,010.57 2,577.58 5,015.48	22,652.59 21,739.43 21,172.42 20,734.52	8,402.59 7,482.43 6,922.42 6,484.52	7,371.87 6,900.14 6,576.22 6,059.05	2,268.70 2,022.14 1,809.05 1,585.20
Celanese Corporation of America, 180 Madison Ave., New York 16, N. Y.	Manufacturer and sale of celanese brand rayon, fabrics and plastics	Dec. 31, 1941 <sup>1</sup> Dec. 31, 1942 <sup>1</sup> Dec. 31, 1943 <sup>1</sup> Dec. 31, 1944 <sup>1</sup> Dec. 31, 1945 <sup>1</sup> Dec. 31, 1946 <sup>1</sup> June 30, 1942 <sup>1</sup> June 30, 1943 <sup>1</sup> June 30, 1944 <sup>1</sup> June 30, 1945 <sup>1</sup> May 31, 1942 <sup>1</sup> May 31, 1943 <sup>1</sup> May 31, 1944 <sup>1</sup> May 31, 1945 <sup>1</sup> May 31, 1946 <sup>1</sup> June 30, 1942 <sup>1</sup> June 30, 1943 <sup>1</sup> June 30, 1944 <sup>1</sup> June 30, 1945 <sup>1</sup> May 31, 1942 <sup>1</sup> May 31, 1943 <sup>1</sup> May 31, 1944 <sup>1</sup> May 31, 1945 <sup>1</sup> May 31, 1946 <sup>1</sup> June 30, 1942 <sup>1</sup> June 30, 1943 <sup>1</sup> June 30, 1944 <sup>1</sup> June 30, 1945 <sup>1</sup> July 31, 1944 <sup>1</sup> July 31, 1945 <sup>1</sup> July 31, 1946 <sup>1</sup> Dec. 31, 1942 <sup>1</sup> Dec. 31, 1943 <sup>1</sup> Dec. 31, 1944 <sup>1</sup> Dec. 31, 1945 <sup>1</sup> Dec. 31, 1946 <sup>1</sup> Dec. 31, 1947 <sup>1</sup> Dec. 31, 1948 <sup>1</sup> Dec. 31, 1949 <sup>1</sup> Dec. 31, 1950 <sup>1</sup> Dec. 31, 1951 <sup>1</sup> Dec. 31, 1952 <sup>1</sup> Dec. 31, 1953 <sup>1</sup> Dec. 31, 1954 <sup>1</sup> Dec. 31, 1955 <sup>1</sup> Dec. 31, 1956 <sup>1</sup> Dec. 31, 1957 <sup>1</sup> Dec. 31, 1958 <sup>1</sup> Dec. 31, 1959 <sup>1</sup> Dec. 31, 1960 <sup>1</sup> Dec. 31, 1961 <sup>1</sup> Dec. 31, 1962 <sup>1</sup> Dec. 31, 1963 <sup>1</sup> Dec. 31, 1964 <sup>1</sup> Dec. 31, 1965 <sup>1</sup> Dec. 31, 1966 <sup>1</sup> Dec. 31, 1967 <sup>1</sup> Dec. 31, 1968 <sup>1</sup> Dec. 31, 1969 <sup>1</sup> Dec. 31, 1970 <sup>1</sup> Dec. 31, 1971 <sup>1</sup> Dec. 31, 1972 <sup>1</sup> Dec. 31, 1973 <sup>1</sup> Dec. 31, 1974 <sup>1</sup> Dec. 31, 1975 <sup>1</sup> Dec. 31, 1976 <sup>1</sup> Dec. 31, 1977 <sup>1</sup> Dec. 31, 1978 <sup>1</sup> Dec. 31, 1979 <sup>1</sup> Dec. 31, 1980 <sup>1</sup> Dec. 31, 1981 <sup>1</sup> Dec. 31, 1982 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<sup>1</sup> Dec. 31, 2020 <sup>1</sup> Dec. 31, 2021 <sup>1</sup> Dec. 31, 2022 <sup>1</sup> Dec. 31, 2023 <sup>1</sup> Dec. 31, 2024 <sup>1</sup> Dec. 31, 2025 <sup>1</sup> Dec. 31, 2026 <sup>1</sup> Dec. 31, 2027 <sup>1</sup> Dec. 31, 2028 <sup>1</sup> Dec. 31, 2029 <sup>1</sup> Dec. 31, 2030 <sup>1</sup> Dec. 31, 2031 <sup>1</sup> Dec. 31, 2032 <sup>1</sup> Dec. 31, 2033 <sup>1</sup> Dec. 31, 2034 <sup>1</sup> Dec. 31, 2035 <sup>1</sup> Dec. 31, 2036 <sup>1</sup> Dec. 31, 2037 <sup>1</sup> Dec. 31, 2038 <sup>1</sup> Dec. 31, 2039 <sup>1</sup> Dec. 31, 2040 <sup>1</sup> Dec. 31, 2041 <sup>1</sup> Dec. 31, 2042 <sup>1</sup> Dec. 31, 2043 <sup>1</sup> Dec. 31, 2044 <sup>1</sup> Dec. 31, 2045 <sup>1</sup> Dec. 31, 2046 <sup>1</sup> Dec. 31, 2047 <sup>1</sup> Dec. 31, 2048 <sup>1</sup> Dec. 31, 2049 <sup>1</sup> Dec. 31, 2050 <sup>1</sup> Dec. 31, 2051 <sup>1</sup> Dec. 31, 2052 <sup>1</sup> Dec. 31, 2053 <sup>1</sup> Dec. 31, 2054 <sup>1</sup> Dec. 31, 2055 <sup>1</sup> Dec. 31, 2056 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<sup>1</sup> Dec. 31, 2094 <sup>1</sup> Dec. 31, 2095 <sup>1</sup> Dec. 31, 2096 <sup>1</sup> Dec. 31, 2097 <sup>1</sup> Dec. 31, 2098 <sup>1</sup> Dec. 31, 2099 <sup>1</sup> Dec. 31, 2100 <sup>1</sup> Dec. 31, 2101 <sup>1</sup> Dec. 31, 2102 <sup>1</sup> Dec. 31, 2103 <sup>1</sup> Dec. 31, 2104 <sup>1</sup> Dec. 31, 2105 <sup>1</sup> Dec. 31, 2106 <sup>1</sup> Dec. 31, 2107 <sup>1</sup> Dec. 31, 2108 <sup>1</sup> Dec. 31, 2109 <sup>1</sup> Dec. 31, 2110 <sup>1</sup> Dec. 31, 2111 <sup>1</sup> Dec. 31, 2112 <sup>1</sup> Dec. 31, 2113 <sup>1</sup> Dec. 31, 2114 <sup>1</sup> Dec. 31, 2115 <sup>1</sup> Dec. 31, 2116 <sup>1</sup> Dec. 31, 2117 <sup>1</sup> Dec. 31, 2118 <sup>1</sup> Dec. 31, 2119 <sup>1</sup> Dec. 31, 2120 <sup>1</sup> Dec. 31, 2121 <sup>1</sup> Dec. 31, 2122 <sup>1</sup> Dec. 31, 2123 <sup>1</sup> Dec. 31, 2124 <sup>1</sup> Dec. 31, 2125 <sup>1</sup> Dec. 31, 2126 <sup>1</sup> Dec. 31, 2127 <sup>1</sup> Dec. 31, 2128 <sup>1</sup> Dec. 31, 2129 <sup>1</sup> Dec. 31, 2130 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EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued  
FISCAL YEAR ENDED JUNE 30, 1958

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of Sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of Sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
<i>Upper Manhattan—continued</i>							
Universal Film Exchanges, Inc., 445 Park Ave., New York, N. Y.	Motion pictures.....	Oct. 31, 1944 Oct. 31, 1945 Oct. 31, 1946 Oct. 31, 1947 Oct. 31, 1948 Oct. 31, 1949	\$145,834.24 145,834.24 145,834.24 1,615,401.21 1,695,094.66	\$1,562,752.96 1,562,752.96 1,708,587.20 15,991,737.42 13,991,737.36	\$153,415.76 153,415.76 153,415.76 968,452.72 968,452.66	\$88,872.50 122,327.68 22,278.10 1,823,919.23 1,126,565.80	\$51,367.29 61,369.30 10,255.74 774,762.16 474,343.43
Universal Pictures Co., Inc., 445 Park Ave., New York, N. Y.	Motion picture distributor and producer.....	Oct. 31, 1944 Oct. 31, 1945	1,615,401.21 1,695,094.66	15,991,737.42 13,991,737.36	968,452.72 968,452.66	1,823,919.23 1,126,565.80	774,762.16 474,343.43

*Supplemental list for fiscal year ended June 30, 1958*

<i>Detroit</i>							
Car Wood Industries, Inc., Michigan Ave., Wayne, Mich.	Manufacture of road machinery and motor truck equipment.....	Dec. 31, 1940 Jan. 1, 1941 to Oct. 31, 1941 Oct. 31, 1942 Oct. 31, 1943	\$377,689.73 488,523.88	\$1,382,381.07 1,605,514.54	\$155,171.85 152,472.53	\$74,531.48 103,243.24	None \$32,005.41
<i>Los Angeles</i>							
Wilmington Gasoline Co., 555 South Flower St., Los Angeles, Calif.	Natural gasoline manufacturers.....	Apr. 30, 1942 Apr. 30, 1943 Apr. 30, 1945	21,878.66 24,080.98 15,827.21	47,306.57 45,084.25 38,658.62	31,992.99 29,780.67 23,344.44	12,259.12 26,856.42 25,671.62	3,800.33 14,662.13 13,565.79
<i>Seattle</i>							
Rick's Seattle Brewing & Malting Co., Formerly: Seattle Brewing & Malting Co., Seattle, Wash.	Brewery.....	Dec. 31, 1941 Dec. 31, 1942 Dec. 31, 1943	351,073.40 351,073.40 351,073.40	None None None	11,970.00 11,970.00 11,970.00	6,102.32 10,773.00 10,773.00	1,891.72 4,788.00 4,788.00
<i>Upper Manhattan</i>							
Radio Daily Corp., 1301 Broadway, New York, N. Y.	Publishing.....	Jan. 31, 1945	4,332.00	None	2,603.00	3,529.28	1,003.00
<i>Wichita</i>							
Wood River Oil & Refining Co., Inc., 321 West Douglas St., Wichita, Kans.	Crude oil production and refining.....	Dec. 31, 1941 Dec. 31, 1942 Dec. 31, 1943 Dec. 31, 1944 Dec. 31, 1945	76,428.58 93,824.27 103,855.57 111,279.78 140,049.00	\$43,928.62 860,190.13 784,675.97 1,066,323.40 1,046,600.16	134,175.01 168,146.59 122,965.33 137,580.26 115,344.07	105,719.83 152,500.70 149,908.34 145,616.69 158,578.57	32,773.15 85,159.34 66,625.94 80,831.95 66,709.92

<sup>1</sup> Allowance in accordance with decision of Tax Court of the United States based on agreed settlement of parties. No previous allowance by the Commissioner.

<sup>2</sup> Allowance in accordance with decision of the Tax Court of the United States after hearing on the merits. No previous allowance by the Commissioner.

<sup>1</sup> Allowance made during fiscal year ended June 30, 1958 represents addition to relief previously allowed and published.

[F. R. Doc. 58-6833; Filed, Aug. 26, 1958; 8:45 a. m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-70]

GENERAL ELECTRIC CO.

## NOTICE OF PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue to General Electric Company a facility license which would authorize the conduct of critical experiments in the General Electric Test Reactor at power levels not in excess of 50 kilowatts (thermal), substantially as set forth below unless within fifteen days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). Construction of the facility was authorized by Construction Permit No. CPTR-2 issued on March 11, 1958 (23 F. R. 1906). Prior to issuance of the license the facility will be inspected by representatives of the Commission to determine whether that portion which will be utilized for the conduct of the critical experiments has been constructed in compliance with the

applicable terms and conditions of the construction permit.

For further details see (1) the application submitted by General Electric Company and amendments thereto, and (2) a memorandum by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for license to conduct the critical experiments, both on file at the Commission's Public Document Room, 1717 H Street NW, Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

The General Electric Company has also requested a license to operate the reactor as a testing facility at authorized power levels not exceeding thirty-three megawatts. Pursuant to the provisions of the Atomic Energy Act of 1954, as amended, the Commission will hold a public hearing on the Company's application for such license. The date and location of such hearing have been announced in a separate notice.

Dated at Germantown, Md., this 20th day of August 1958.

For the Atomic Energy Commission.

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

## PROPOSED LICENSE

1. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The portion of the General Electric Test Reactor (hereinafter referred to as "the facility") which will be used in the conduct of the critical experiments described in Amendment No. 6, dated July 15, 1958 to General Electric Company's license application has been constructed in compliance with the applicable terms and conditions contained in Construction Permit No. CPTR-2.

B. There is reasonable assurance that the critical experiments can be conducted without endangering the health and safety of the public.

C. General Electric Company is technically and financially qualified to conduct the critical experiments in the facility.

D. The issuance of a license to conduct the critical experiments will not be inimical to the common defense and security or to the health and safety of the public.

## NOTICES

E. General Electric Company has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses General Electric Company:

A. Pursuant to section 104c of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the act"), and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess the facility as a utilization facility and to conduct therein the critical experiments described in Amendment No. 6, dated July 15, 1958, to its license application in accordance with the procedures described therein.

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to possess and use 8.5 kilograms of contained uranium-235 as fuel for the conduct of the critical experiments.

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct material as may be produced during the conduct of the critical experiments.

3. This license applies to the facility which is owned by General Electric Company and located at the Company's Vallecitos Atomic Laboratory near Pleasanton, California, described in General Electric Company's application dated June 5, 1957 and amendments thereto dated July 18, 1957, December 12, 1957, February 26, 1958, May 15, 1958, June 18, 1958 and July 15, 1958 (all collectively referred to herein as "the application").

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. General Electric Company shall not operate the facility at power levels in excess of 50 kilowatts.

B. General Electric Company shall not perform any critical experiment in the facility other than the experiments described in Amendment No. 6 dated July 15, 1958 to its license application until a description of the proposed experiment and a hazards summary report shall have been submitted to the Commission and the Commission shall have specifically authorized the experimental activity.

C. The facility shall be equipped with a device which will automatically scram the reactor if the power level during conduct of the critical experiments exceeds twice the rated power level of the tests. In no case shall the power level at which the scram is to occur exceed 100 kilowatts.

D. In addition to those otherwise required under this license and applicable regulations, General Electric Company shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of General Electric Company as measured at the point of such release or discharge.

(3) Records of emergency scrams, including reasons for emergency shutdowns.

E. General Electric Company shall immediately report in writing to the Commission any indication or occurrence of a possible unsafe condition relating to the conduct of the critical experiments.

5. This license is effective as of the date of issuance and shall expire either at midnight March 11, 1968, or upon the issuance of an operating license authorizing the

operation of the facility as a testing facility, whichever event occurs first.

Date of issuance:

For the Atomic Energy Commission.

[F. R. Doc. 58-6911; Filed, Aug. 26, 1958; 8:49 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11323, 11327; FCC 58M-876]

B. J. PARRISH AND JAMES A. NOE

### ORDER CONTINUING HEARING CONFERENCE

In re applications of B. J. Parrish, Pine Bluff, Arkansas; Docket No. 11323, File No. BP-8698; James A. Noe (KNOE), Monroe, Louisiana; Docket No. 11327, File No. BP-9161; for construction permits.

On the oral request of counsel for James A. Noe (KNOE), and without objection by counsel for the other parties; *It is ordered*, This 18th day of August 1958, that the prehearing conference now scheduled for September 9 is continued to Thursday, September 18, 1958, at 10 a. m., in the offices of the Commission, Washington, D. C.

Released: August 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 58-6938; Filed, Aug. 26, 1958; 8:54 a. m.]

[Docket No. 12578; FCC 58-809]

JAMES A. SAUNDERS AND WILLIAM F. JOHNS, JR.

### MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of James A. Saunders, (Transferor) and William F. Johns, Jr., (Transferee); Docket No. 12578, File No. BTC-2792; for transfer of control of Sioux Empire Broadcasting Company, Inc., Licensee of Station KIHO, Sioux Falls, South Dakota.

1. The Commission has before it for consideration (a) a "Protest" filed on July 25, 1958 pursuant to section 309(c) of the Communications Act of 1934, as amended, by KISD, Inc., licensee of standard broadcast station KISD, Sioux Falls, South Dakota directed against the Commission's action of June 26, 1958, granting without hearing the above-entitled application; (b) an "Opposition to Protest" filed by the applicants herein on August 4, 1958; and (c) a "Reply" to said "Opposition" filed by KISD, Inc., on August 8, 1958.

2. Commission records indicate that Station KISD operates on 1430 kc with power of 250 w. Station KIHO, Sioux Falls, South Dakota operates on 1270 kc with power of 1 kw. The above application requests Commission consent to the proposed sale of 51 percent of the outstanding stock of Sioux Empire Broadcasting Company from James A. Saun-

ders to William F. Johns, Jr. Commission records indicate that the transferee, Johns, currently owns 30 percent of the outstanding stock of the licensee corporation. He was until recently a 72 percent owner of Station KMNS, Sioux City, Iowa and presently owns 51 percent of Station WOSH (FM & TV), Oshkosh, Wisconsin and 51 percent of Station KRI, Mason City, Iowa. On July 28, 1958, the Commission was notified through the filing of an ownership report that the above transaction was consummated.

3. In its protest, protestant alleges, in substance, that it is the licensee of Station KISD, Sioux Falls, South Dakota, and is in direct competition with Station KIHO for advertising revenues, as well as for personnel, program materials and other things necessary to the successful operation of a broadcasting facility; that it will suffer economic injury as a result of the grant of the above-entitled application because control by William F. Johns, Jr., enables KIHO to compete more effectively against KISD; that Johns now owns or has operating control of Station WOSH, Oshkosh, Wisconsin, Station WMIN, St. Paul, Minnesota, and Station KRI, Mason City, Iowa; that Johns has the opportunity to utilize personnel, materials and programming for KIHO in common with one or more of his other stations and to offer the facilities of KIHO in combination with one or more of his other stations at lower combined advertising rates; that during the past year when Johns exercised common control of Stations KMNS, Sioux City, Iowa and KIHO, Sioux Falls, South Dakota, he offered the facilities of the two stations in combination at lower combined rates calling them the "Twin Siouxs"; that Johns has actually assumed and exercised full control over KIHO during the whole period from September, 1957 to date; that during October and November, 1957 because of the "grandiose" claims regarding the desirability of KIHO under its new management, KISD lost several regular advertising accounts to KIHO and had begun to lose some of the advertising revenues it normally obtains on an intermittent basis; and that Johns abused Commission processes in prior applications only to withdraw when pertinent facts were brought to the attention of the Commission.

4. The protestant further alleges that Johns has been conducting dishonest prize-awarding contests through KIHO and has manifested a radical degree of financial irresponsibility in his relationships with local advertisers; that Johns has contracted to purchase Saunders' 51 percent interest without cash consideration; that he is merely relieving Saunders of his obligation on two notes for a total of \$9,000; that the balance sheet of the licensee corporation reveals that it is insolvent and cannot meet its current obligations; that, on information and belief the bulk of liabilities are now long past due; that the corporation will need sizable additional resources to cover both operating costs and installment payments on \$56,000 in deferred obligations;

that, if the corporation is to survive, it must be "primed" with cash and that cash can come from only one source, Johns, himself; and, that his personal balance sheet shows only \$4,000 in quick assets.

5. The protestant further claims that Johns has stated that he will finance the operation of KIHO out of the proceeds of the sale of KMNS; that by his own estimate he expects to receive a total of \$86,400 for his interest therein; that on three different occasions Johns has told the Commission that he intends to use the proceeds from the sale of KMNS to finance his acquisition of his parents' interests in WMIN, St. Paul, Minnesota; that in his contract to acquire WMIN, Johns is obligated to pay \$60,000 cash at closing with deferred payments of an additional \$17,200, of which \$11,000 will fall due within the first year; that the balance sheet of WMIN reveals that it has sustained a total operating deficit of \$32,000 and has a net worth of minus \$16,000; that in his contract to acquire Station KRIB, Mason City, Iowa, Johns has incurred obligations payable within one year in the amount of \$12,000; that the foregoing leads to the inescapable conclusion that Johns will have a total of "nothing" to apply to the needs of KIHO and will be unable to satisfy the notes he has assumed from Saunders if he is also to meet all his other commitments as they fall due; and, that it is apparent that there is a serious question whether Johns possesses the minimum financial qualifications to earn the Commission's approval of his exercise of ownership and control of KIHO.

6. The protestant then sets forth that Johns' proposal for future programming merits a close look by the Commission because he proposes 86.2 percent for entertainment, 6.7 percent for news and 4.4 percent for religious programming, leaving the "grand" sum of 2.7 percent for agriculture, education, discussion, talks and other programs; that he proposes nothing at all for either agriculture or talks; that his proposed schedule for a typical week reveals that every program characterized as other than entertainment, religion or news is scheduled for Sunday morning; and that the Commission should not grant the application without first calling upon Johns to show wherein this program proposal will serve the needs and interests of the public.

7. It is further claimed that actual control of the licensee of KIHO was abandoned by Saunders and has been assumed and exercised by Johns continuously to date (except during the period between November 1, 1957, and January 14, 1958, when Johns had Commission authority to exercise control); that factual allegations concerning this unauthorized assumption of control are set forth in a previous protest filed on November 20, 1957, and incorporated herein by reference; that said allegations set forth that Johns installed Robert J. Flynn (formerly General Manager of Johns' station KMNS, Sioux City, Iowa) as General Manager of KIHO; that Flynn was replaced by Vincent Casey, who was subsequently replaced by LeRoy

Okerlund and then by James R. Duryea; that the local general managers of KIHO from September 1957 to date have been agents of Johns and never of Saunders; that Johns had all checks for salaries and bills sent to him in St. Paul for signature; that with respect to the winners of cash prizes in KIHO contests, Johns indicated for which winners checks were to be drawn; that the bookkeeper was required to obtain personal approval of Johns before making a substantial withdrawal from the station's bank account; and that, on information and belief, promotional literature was regularly received from Johns' other stations with instructions to use certain materials whenever possible (such as music lists, program materials, etc.). The protestant then describes in detail the station's questionable practices and manipulations with regard to conduct of contests in which the listening audience participated for cash prizes. These contests included bingo, top "20" musical selections for a week and a treasure hunt, the prizes for which ranged in value from \$5.00 to \$10,000.00.

8. The protestant further alleges, on information and belief, that Johns has never contributed any money toward the operations or the obligations of KIHO; that the station has been kept in a perpetual state of financial distress; that as a consequence, creditors are dunning the management constantly and that Johns imposes upon his local managers the principal duty to put off creditors; that the station's bank account has been overdrawn almost invariably at one point to the extent of \$7,000; that salary checks to KIHO employees have been returned because of insufficient funds; that prize winners were paid only after making repeated demands on the management and some were never paid; that during November and December 1957, it was a common practice to broadcast fewer spot announcements than the total number for which advertisers had contracted; that in view of the foregoing, there is a substantial question whether Johns possesses the character qualifications to be the owner and operator of KIHO and there is an equally substantial question whether the license for KIHO should not be revoked. Attached to the protest is an affidavit of Vincent Casey alleging control of the station by Johns.

9. In its prayer for relief, protestant requests the Commission to enter an order staying the effectiveness of its grant of the above-entitled application, directing a re-transfer of control from Johns to Saunders, and that the application be designated for hearing upon issues specified by it.

10. In their opposition to the protest, James A. Saunders and William F. Johns concede that the protestant has standing to file a protest under section 309 (c) of the Communications Act. With respect to the facts and matters complained of in the protest, they first set forth a history of past activities and then allege, in substance, that when a prior application for Commission consent to the transfer of control of Station KIHO was protested, Mr. Johns withdrew, feeling that it was better to have a minority interest

than to incur the expense of a hearing and the resulting uncertainties; that the attack upon the financial qualifications of William F. Johns, Jr., and the licensee indicates a lack of understanding by the protestant of the nature of the financial arrangement between the parties; that when the Commission ordered the transfer of control of KIHO returned to Mr. Saunders, Mr. Saunders did not have the cash available that Mr. Johns had paid him for the 51 percent stock interest, whereupon, Johns accepted the promissory note from Saunders for the original cash purchase price; that there is every reason to believe with sound management, the licensee corporation will be able to pay off existing notes; that the business of the station has taken an upturn since Mr. Johns re-acquired control and employed a new manager; that the protestant's statement that "the merest glance at the balance sheet of the licensee corporation reveals that it is insolvent" is untrue since the Commission obviously would not have approved the application if the balance sheet had indicated that the corporation was insolvent; that none of KIHO's creditors have brought suit against it or threatened to do so but rather have indicated a willingness to cooperate with Mr. Johns in his efforts to improve the station's financial position; that the continued operation of the station under Mr. John's supervision offers the station's creditors the greatest hope of being paid; that there is no "pressing need" for any large sum of money to cover the excess of current liabilities over current assets; that while some of the current liabilities are past due, the station is under no pressure to meet them at once and that William F. Johns, Sr., is willing to lend the corporation or William F. Johns, Jr., up to \$100,000, if necessary; and that John's other station, KRIB is now operating at a profit.

11. The opposition further alleges that the programming criticized is Mr. John's proposed programming rather than actual programming; that the Commission considered the programming when it acted upon the application; that it is, in the opinion of Mr. Johns, the only type of programming that will be successful in the Sioux Falls market; that KISD, when it hired Vincent Casey, adopted in toto the program format and programming methods of KIHO; that with respect to the unauthorized transfer of control, no major decisions regarding the operation of the station were to be made without the approval of Mr. Saunders; that Mr. Flynn's transfer from KIHO to WMIN was made primarily because Mr. Flynn wanted to move to St. Paul; that Mr. Saunders, while authorizing the station manager to take up with Mr. Johns the operational problems of the station, made it abundantly clear that no major decisions were to be made without his knowledge and approval; that many of the charges made are stated as "allegations on information and belief"; that the station's auditor discloses that at no time was the station's account overdrawn by more than \$1,000; that no checks were returned without payment

## NOTICES

prior to the time when Casey was manager; that the station's financial problems began when Casey became manager; that Casey commenced the "Bingo" contest without the knowledge or approval of either Mr. Saunders or Mr. Johns; that Mr. Flynn was authorized to sign checks; that the contests conducted by the station were not manipulated nor dishonestly conducted; that spot announcements were never removed or deleted from an advance log except for good reason; and that there is no basis for questioning the character qualifications or the financial responsibility of William F. Johns, Jr., or the financial qualifications of the licensee of KIHO.

12. In support of their allegations, the applicants submitted sworn statements (a) by James A. Saunders setting forth that he gave Johns permission to undertake the day-to-day operations of the station, while remaining in control; (b) by Robert J. Flynn stating that Mr. Saunders controlled the station; (c) by the Program Director of KIHO regarding the contests conducted by the station; (d) a letter from The New American Bank of Oshkosh, Wisconsin attesting to the character of Mr. Johns; (e) a letter from William F. Johns, Sr. agreeing to lend his son \$100,000; and (f) other material regarding Mr. Johns' character. The opposition concludes by urging, in substance, that a further reversal of control of the station, with the resulting disruption of the station's business and the adverse effects upon the confidence of employees, advertisers, and creditors would almost certainly prove disastrous to the station; that there can be no doubt that the station serves the public interest and that the Commission has twice found that the public interest would be served by the transfer of control from James A. Saunders to William F. Johns; and that the protest of KISD, Inc. should be denied.

13. In its Reply, protestant urges, in substance, that the applicants have left unresolved the questions raised in the protest concerning financial qualifications, programming, unauthorized transfer of control, contests, spot announcements and other qualifications; and that a stay of the protested grant is required.

14. In view of the facts alleged in the protest that the protestant is the licensee of Station KISD, Sioux Falls, South Dakota, where Station KIHO is located; that the two stations are in direct competition for advertising revenues; and that KISD has suffered and will suffer economic injury as a direct result of the assumption of control of Station KIHO by William F. Johns, Jr., we find the protestant to be a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended. Camden Radio, Inc. v. FCC, 94 U. S. App. D. C. 312, 220 F. 2d 191; In re General-Times Television Corporation, 13 Pike & Fischer RR 1049; FCC v. Sanders Brothers, 309 U. S. 470. We find further that the protestant has specified with particularity, within the meaning of section 309 (c), the facts upon which it relies and which it contends shows that a grant was improperly made or other-

wise would not be in the public interest. Accordingly, the above-entitled application will be designated for an evidentiary hearing.

15. Issue "8" proposed by the protestant reads as follows:

8. To determine, in light of the evidence adduced under the foregoing issues, whether the licensee of station KIHO should be ordered to show cause why its license should not be revoked.

The Commission's authority to revoke a station license is based on the provisions of section 312 (a) of the Communications Act of 1934, as amended. Section 312 does not create rights in third parties but gives to the Commission complete discretion in the exercise of the powers granted thereunder. In re Gulf Television Company, 11 Pike & Fischer RR 460; In the Matter of Petersburg Television Corporation, 12 Pike & Fischer RR 1395. Issue "8" presented above is not a triable issue inasmuch as a revocation proceeding is a matter which is left solely to the discretion of the Commission. If the Commission finds grounds, after hearing, to institute revocation proceedings it may do so at that time. Accordingly, said issue is being deleted. As to the other issues, we are not adopting any of them, and the burden of proof thereon, both in proving the facts alleged and in demonstrating their materiality and relevancy will be on the protestants.

16. We turn now to the question of whether we should stay the effective date of the grant in question. Section 309 (c) presents two tests controlling the question when the Commission may authorize the applicant to utilize the facilities or authorization in question pending decision after hearing. The first is when the Commission can find that the "authorization involved is necessary to the maintenance or conduct of an existing service." The second test is when the Commission can affirmatively find "for reasons set forth in the decision that the public interest requires that the grant remain in effect." The Commission does not believe that the facts before it permit a finding under either of the above provisions. The inability of the transferor to resume control of the station has not been established. Therefore, cessation of the broadcast service of KIHO has not been shown to be inevitable under the circumstances. The change in the position of the parties was a voluntary one, effectuated with full knowledge that the grant remained subject to protest by any party in interest for a period of 30 days. Furthermore, a previous Commission action of October 30, 1957, granting without hearing an application (in which the same parties were involved) for transfer of control of Ware Broadcasting Corporation (former name of the present licensee) was protested and the Commission at that time ordered a stay of the effective date of the grant. The applicant was on notice that a change in the status quo might result in the conditions alleged in the opposition, i. e., disruption of the station's business and adverse effects upon the confidence of employees, advertisers and creditors. While we appreciate the extent to which private

interests will be affected by a stay of our grant, we are of the view that such circumstances were not within the contemplation of Congress when it provided for a "public interest" finding by the Commission to support an avoidance of a stay.

17. In light of the above: *It is ordered*, That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-entitled application is postponed pending final determination by the Commission in the hearing ordered below with respect to the protest herein; that said protest is granted to the extent provided for below and is denied in all other respects; and that the above-entitled application is designated for evidentiary hearing at the offices of the Commission in Washington, D. C., on the following issues:

(a) To determine whether William F. Johns, Jr., possesses the financial qualifications to be the transferee of control of station KIHO.

(b) To determine whether the programming proposed for station KIHO by the above-entitled application will serve the needs and interests of the residents of Sioux Falls and its environs.

(c) To determine whether control of station KIHO was transferred to or assumed by William F. Johns, Jr., in violation of section 310 (b) of the Communications Act of 1934, as amended.

(d) To determine whether control of station KIHO was exercised by William F. Johns, Jr., instead of by James A. Saunders, in violation of the Commission's order stated at paragraph 21, of its Memorandum Opinion and Order of December 18, 1957, in Docket 12272.

(e) To determine whether, under the control of William F. Johns, Jr., station KIHO has been operated with practices calculated to deceive or to defraud listeners and advertisers in Sioux Falls and its environs.

(f) To determine whether William F. Johns, Jr., possesses the character qualifications to be the transferee of control of station KIHO.

(g) To determine, in light of the evidence adduced under the foregoing issues, whether the grant of the above-entitled application serves the public interest, convenience and necessity.

The burden of proceeding with the introduction of evidence and the burden of proof as to each of the above issues shall be on the protestant.

18. *It is further ordered*, That, the protestant and the Chief, Broadcast Bureau are hereby made parties to the above-entitled proceedings and that:

(a) The hearing on the above issues is to commence at a time and place and before an Examiner to be specified in a subsequent order; and

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearances by the parties intending to participate in the above hearing shall be filed not later than September 8, 1958.

19. It is further ordered, That, the transferred 51 percent of the stock of the licensee herein and control of Station KIHO be returned by William F. Johns, Jr. to James A. Saunders within 30 days from the date of this order.

Adopted: August 20, 1958.

Released: August 21, 1958.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 58-6839; Filed, Aug. 26, 1958;  
8:54 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. G-15873]

TRICE PRODUCTION CO.

ORDER FOR HEARING, SUSPENDING PROPOSED  
CHANGE IN RATE, AND ALLOWING IN-  
CREASED RATE TO BECOME EFFECTIVE

AUGUST 20, 1958.

Trice Production Company (Respondent) on July 24, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 22, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 5.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rate(s) and charge(s) so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until August 2, 1958, and thereafter to permit it to become effective as of that date: *Provided*, That within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until August 2, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate(s), charge(s), and classification(s) set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of August 2, 1958: *Provided*, however, That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of

To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued \_\_\_\_\_, in Docket No. G-\_\_\_\_\_ hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this \_\_\_\_\_ day of \_\_\_\_\_

By \_\_\_\_\_

Attest:

(Secretary)

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

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

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

By the Commission,

[SEAL]

JOSEPH H. GUTRIE,  
Secretary.

[F. R. Doc. 58-6839; Filed, Aug. 26, 1958;  
8:45 a.m.]

[Docket No. G-15874]

T. L. JAMES AND CO. INC. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED  
CHANGES IN RATES, AND ALLOWING IN-  
CREASED RATES TO BECOME EFFECTIVE

AUGUST 20, 1958.

T. L. James and Company Inc. et al. (Respondent) on July 28, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

## NOTICES

Description: Notices of Change, dated July 24, 1958.

Purchasers: (1) Arkansas Louisiana Gas Company. (2) Mississippi River Fuel Corporation. (3) Arkansas Louisiana Gas Company.

Rate schedule designation: (1) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 1. (2) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 4. (3) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 5.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6899, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 58-6900; Filed, Aug. 26, 1958;  
8:46 a. m.]

[Docket No. G-15875]

J. I. ROBERTS

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 20, 1958.

J. I. Roberts (Respondent) on July 21, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 18, 1958.

Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6899, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 58-6901; Filed, Aug. 26, 1958;  
8:46 a. m.]

[Docket No. G-15876]

MARSHALL R. YOUNG ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 20, 1958.

Marshall R. Young et al. (Respondent) on July 28, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 25, 1958.

Purchaser: United Gas Pipe Line Company. Rate schedule designation: Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 3.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6899, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 58-6902; Filed, Aug. 26, 1958;  
8:46 a. m.]

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6899, *supra*.

By the Commission.

[SEAL] MICHAEL J. FARRELL,  
Acting Secretary.

[F. R. Doc. 58-6907; Filed, Aug. 26, 1958;  
8:48 a. m.]

[Docket No. G-16026]

NATURAL GAS PIPELINE COMPANY OF AMERICA

ORDER SUSPENDING PROPOSED REVISED TARIFF SHEETS AND PROVIDING FOR HEARING

AUGUST 21, 1958.

Natural Gas Pipeline Company of America (Natural) on August 5, 1958, tendered for filing Sixth Revised Sheets Nos. 5 and 6, Fourth Revised Sheet No. 7, and Second Revised Sheet No. 27 to its FPC Gas Tariff, First Revised Volume No. 1, proposing that such revised tariff sheets become effective on August 25, 1958. Such revised tariff sheets would effect an increase in rates and charges of approximately \$8,192,000 annually, or 11.7 percent, based on sales for the year ended April 30, 1958, as adjusted.<sup>1</sup> The proposed annual increase is in addition to the amounts being collected by Natural at the rate of about \$1,747,200 annually since May 22, 1958, subject to an undertaking to assure refund of excess charges in the proceedings in Docket No. G-13950.<sup>2</sup> As yet, no hearing has been held in Docket No. G-13950.

The now proposed increased rates and charges are largely based upon a (1) claimed rate of return of 6 1/4 percent per year on a year-end rate base instead of an average rate base, with associated income taxes, and (2) claimed increased operating expenses.

More specifically, the major adjustments relied upon by Natural include, among others:

(a) Return of \$11,228,040, based upon a claimed rate of return of 6 1/4 percent

[Docket No. G-16024]

OIL PARTICIPATIONS INC.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 20, 1958.

Oil Participations Incorporated (Respondent) on July 21, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 17, 1958.

Purchaser: United Fuel Gas Company.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 8.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

<sup>1</sup> The tender was in substitution for a proposed rate increase of \$8,349,500 annually submitted on July 25, 1958. The reduced rate reflects the withdrawal of a proposed rate increase tendered on July 25, 1958, by Texas Illinois Natural Gas Pipeline Company, a supplier of Natural. Natural requests that the effective date of August 25, 1958, proposed in the first rate-increase tender, be retained for the substitute rate-increase tender.

<sup>2</sup> The increased rates now contingently effective in Docket No. G-13950 will be effective only from May 22, 1958, until such time as the increased rates tendered on August 5, 1958, shall become effective. Previously, by order issued June 20, 1958, in Docket Nos. G-3123 and G-12157, the Commission approved a proposed settlement of those rate proceedings for the period March 2, 1955, through December 31, 1957, and prescribed refunds for the period. Also, the order provided, among other things, that Natural shall refund to its jurisdictional customers any revenues collected from such customers for the period January 1 through May 21, 1958, that shall exceed Natural's cost of service applicable thereto, including a 6 percent rate of return.

upon a year-end rate base of \$179,648,635 (including Natural's own production and gasoline plants at depreciated original cost), which rate of return may not be fair and reasonable.

(b) Claimed income tax allowance of \$5,015,662, of which Federal income taxes are estimated to be \$4,982,776, and State income taxes \$32,886 (0.66 percent of Federal income taxes), associated with the claimed rate of return of 6 1/4 percent.

(c) Use of a year-end rate base—December 31, 1958, or 8 months after the 12 months of actual operations ending April 30, 1958—instead of an average rate base, an adjustment which may not be proper, and the use of a test year purporting to show for the eight months succeeding April 1958, an anticipated increase of 51 percent in gross plant (\$89,803,000), and an estimated increase in annual sales volume of but 16 percent for the same period.

(d) A claimed allowance of \$1,411,851 for working capital requirements which may not be proper.

The effect of all the adjustments proposed by Natural and expected to occur by December 31, 1958, is a claimed cost of service for the test year of \$78,139,977, of which \$77,802,678 is allocated to jurisdictional sales. Natural proposed to recoup \$77,818,562 by increased jurisdictional rates and charges as follows:

	Present <sup>1</sup>	Proposed	Increase
Rate schedule CD-1:			
First block:			
Demand charge	\$1.04	\$2.68	\$1.04
Commodity charge	.20	.20	-----
Second block:			
Demand charge	2.31	2.21	-----
Commodity charge	.20	.20	-----
Rate schedule I-1	.20	.20	-----

<sup>1</sup> Rates subject to inquiry in Docket No. G-13950.

The proposed rates retain the present dual rate structure first sanctioned by the Commission in Docket No. G-1697, 12 FPC 729. However, while increasing the overall level of the presently effective First Block of Rate Schedule CD-1, Natural does not propose any change in the presently effective 20 cents per Mcf commodity component of the rate. Apparently this is in keeping with Natural's view, first expressed in its tender in Docket No. G-13950, that 20 cents is as high as the commodity charge should be without, as put by it, jeopardizing the estimated sales. Thus, Natural proposes to recoup the increased costs by increasing solely the demand charge rather than adjusting the demand-commodity components of its rates in a manner consistent with claimed costs classified and allocated in accord with Commission practice, as sanctioned by the courts. It appears that Natural's predetermined limitation on the level of the commodity

<sup>1</sup> This includes sales for the test period reflecting an additional capacity of 100,000 Mcf per day which Natural says is provided for under temporary authorization received by it in Docket No. G-12399. The company asserts that on or before January 1, 1959, it will complete those facilities and undertake the delivery of this 100,000 Mcf of gas per day.

charge, in effect, places upon the demand side of the rate \$5,335,500 (33 percent) of costs which would be attributed to the commodity component if Natural were to adhere to cost classification and allocation methods approved by the Commission and the courts and followed prior to Docket No. G-13950 by Natural.

By Second Revised Sheet No. 27 (superseding First Revised Sheet No. 27), entitled "Index of Size of First and Second Blocks of Daily Contract Quantity and Sequence of Deliveries", Natural proposes a tariff change which may not be proper. Therein Natural shows Second Block deliveries sandwiched between two separate parts of First Block deliveries (Block 1-a and Block 1-b). Apparently Block 1-a deliveries represent presently authorized First Block quantities; Block 1-b, proposed First Block quantity in excess of Block 1-a. No part of the Block 1-b billing demands shown by Natural on Second Revised Sheet No. 27 are presently authorized.

As a part of the rate-increase application Natural included agreements with all of its 14 customers who will be affected by the proposed increase respecting the level of the proposed rates. It appears that these agreements are predicated upon Natural (a) completing facilities to enable it to deliver an additional 100,000 Mcf per day as contemplated by the temporary authorization in Docket No. G-12399, (b) increasing its purchases from Texas Illinois Natural Gas Pipeline Company as proposed in Docket No. G-14829, (c) placing the proposed increased rates in effect "on or about" the date that conditions (a) and (b) are satisfied; and (d) adjusting the proposed rates to reflect any reduction due to future additional delivery obligations above the 100,000 Mcf per day which it contemplates in Docket No. G-12399. The agreements are subject to the further understanding that the proposed increased rates shall be subject to Natural's undertaking to make certain refunds and rate adjustments in accordance with the "Agreement of Natural Gas Pipeline Company of America relating to Future Refunds by Suppliers of Gas" as filed with the Commission on April 1, 1958. The agreement of Natural referred to is subject to inquiry, among other things, in Docket No. G-13950. It appears from the agreements that Natural sought its customers' consent in order to insure its ability to construct the additional facilities and remove the uncertainties created by *Memphis Light, Gas and Water Division v. F. P. C.*, 250 F. 2d 402, certiorari granted, 355 U. S. 938.

The increased rates and charges proposed by Natural in Sixth Revised Sheets Nos. 5 and 6, Fourth Revised Sheet No. 7, and Second Revised Sheet No. 27 to its FPC Gas Tariff, First Revised Volume No. 1, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

<sup>2</sup> Natural serves three customers (City of Nebraska City, Ruth Fuel Company, and Wilson Gas Company) under rates not proposed to be changed.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, concerning the lawfulness of the rates, charges, classifications, and services provided in Natural's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by Sixth Revised Sheets Nos. 5 and 6, Fourth Revised Sheet No. 7, and Second Revised Sheet No. 27, and that said proposed revised tariff sheets be suspended as hereinafter ordered and the use thereof be deferred pending hearing and decision thereon, except as they may become effective as provided by the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held at a time and place to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services, or any of them, subject to the jurisdiction of the Commission, provided in Natural's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by Sixth Revised Sheets Nos. 5 and 6, Fourth Revised Sheet No. 7, and Second Revised Sheet No. 27 tendered for filing on August 5, 1958.

(B) Pending such hearing and decision thereon, Sixth Revised Sheets Nos. 5 and 6, Fourth Revised Sheet No. 7, and Second Revised Sheet No. 27 to Natural's FPC Gas Tariff, First Revised Volume No. 1, be and the same are each hereby suspended and the use thereof deferred until January 25, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

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

By the Commission.

[SEAL] MICHAEL J. FARRELL,  
Acting Secretary.

[F. R. Doc. 58-6903: Filed, Aug. 26, 1958;  
8:47 a. m.]

Docket No. G-13800]

J. M. HUBER CORP.

NOTICE OF APPLICATION AND DATE OF  
HEARING

AUGUST 20, 1958.

Take notice that on November 25, 1957, as supplemented on March 3, 1958, and June 16, 1958, J. M. Huber Corporation (Applicant) filed in Docket No. G-13800 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the sale of natural gas produced in the West Panhandle Field, Hutchin-

## NOTICES

son, Hansford, Carson, Moore and Sherman Counties, Texas, to Colorado Interstate Gas Company (Colorado Interstate), all as more fully set forth in the application and supplements, which are on file with the Commission and open to public inspection.

Proposed deliveries will be made at the outlet of Applicant's compressor station in Hutchinson County, through customary field facilities.

The basic gas sales contract between Applicant and Colorado Interstate is dated August 1, 1957, for an indefinite term, and contemplates a volume of 600,000 Mcf per month at an initial rate of 18 cents per Mcf at 14.65 psia until December 31, 1963, with periodic price increases of one cent per Mcf for each of the three subsequent five-year periods. A redetermination clause is applicable to the five-year period beginning January 1, 1979, and each five-year period thereafter. The rate schedule also contains a minimum take-or-pay-for provision operative from the date of initial delivery.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 21, 1958, at 10:00 a. m. e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 "G" Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 26, 1958.

[SEAL] MICHAEL J. FARRELL,  
*Acting Secretary.*

[F. R. Doc. 58-6904; Filed, Aug. 26, 1958;  
8:47 a.m.]

[Docket No. G-16025]

RALPH R. GILSTER ET AL.

ORDER FOR HEARING AND SUSPENDING  
PROPOSED CHANGE IN RATES

AUGUST 20, 1958.

Ralph R. Gilster et al. (Respondent) on July 21 and 31, 1958 tendered for filing proposed changes in its presently filed rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing:

Description: Notices of Change, dated July 17 and 29, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement Nos. 5 and 6 to Gilster's FPC Gas Rate Schedule No. 2.

Effective date: August 1, 1958 (effective date is the effective date proposed by Respondent).

The instant Notices of Change reflect in whole or in part the effect of the Louisiana State Gathering Tax which is stated to be effective as of August 1, 1958. The use of Supplement No. 1 to Gilster's FPC Gas Schedule No. 2 was deferred by Commission order issued April 1, 1957 at Docket No. G-11338.

The increased rates and charges proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement Nos. 5 and 6 to Gilster's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. D), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 5 and 6 to Gilster's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until the date on which Supplement No. 1 to Gilster's FPC Gas Rate Schedule No. 2 is made effective in the manner prescribed by the Natural Gas Act, or until August 2, 1958, whichever is later.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

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

By the Commission.

[SEAL] MICHAEL J. FARRELL,  
*Acting Secretary.*

[F. R. Doc. 58-6905; Filed, Aug. 26, 1958;  
8:47 a. m.]

[Docket No. G-15342]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF  
HEARING

AUGUST 20, 1958.

Take notice that on June 23, 1958, Cities Service Gas Company (Applicant)

filed in Docket No. G-15342 an application, pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation during the calendar year 1958 of certain minor, routine natural gas facilities for making direct industrial sales, either temporary or permanent, along Applicant's pipeline system traversing Texas, Oklahoma, Kansas, Nebraska, and Missouri, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to limit the facilities to a total expenditure of \$80,000, with no single project to cost more than \$5,000.

The temporary customers will be predominantly road building contractors, with not over twenty such temporary sales expected during 1958, requiring about 35,000 Mcf of natural gas per average road project.

The permanent industrial customers, of which not over thirty new ones are expected during 1958, will use the gas mostly for processes in factories, power for irrigation or space heating of various buildings, requiring an estimated annual average of about 49,300 Mcf per customer, based on actual past experience.

The estimated total natural gas involved under this application for the anticipated maximum of 50 customers is 2,180,000 Mcf, nearly all of which will be on an interruptible basis.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 25, 1958, at 9:30 a. m. e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 "G" Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however, That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.*

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 17, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,  
*Acting Secretary.*

[F. R. Doc. 58-6908; Filed, Aug. 26, 1958;  
8:48 a. m.]

[Project No. 2114]

## PUBLIC UTILITY DISTRICT NO. 2 OF GRANT COUNTY, WASHINGTON

## NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

AUGUST 20, 1958.

Public notice is hereby given that Public Utility District No. 2 of Grant County, Washington, of Ephrata, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the license for water-power Project No. 2114, located on the Columbia River in Chelan, Douglas, Kittitas, Grant, Yakima, and Benton Counties, Washington, to revise the clearing requirements for the reservoir areas of the project so that all sides and margins of each reservoir would be cleared above the horizontal plane established at an elevation 10 feet below the normal low water line of the reservoir and below the annual flood line of such reservoir, where the annual flood is represented by a flow of 200,000 cubic feet per second.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is September 25, 1958. The application is on file with the Commission for inspection.

[SEAL] MICHAEL J. FARRELL,  
Acting Secretary.

[F. R. Doc. 58-6910; Filed, Aug. 26, 1958;  
8:48 a.m.]

[Docket No. G-15280]

## CARTER-JONES DRILLING CO., INC.

## NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 20, 1958.

Take notice that Carter-Jones Drilling Company, Inc. (Applicant), a Texas corporation with its principal place of business at Killeen, Texas, filed on June 12, 1958, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant is operator of the Torrans Gas Unit in the Woodlawn Field, Harrison and Marion Counties, Texas, and proposes to sell natural gas produced therefrom to Texas Eastern Transmission Corporation for transportation in interstate commerce for resale. Applicant lists W. M. Plaster, Smith R. Reynolds and A. M. Rozeman as non-operators having an interest in the gas unit. The gas sale agreement is on file with the Commission as Applicant's FPC Gas Rate Schedule No. 11 and Supplements Nos. 1 and 2 thereto.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 24, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW, Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 17, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,  
Acting Secretary.

[F. R. Doc. 58-6909; Filed, Aug. 26, 1958;  
8:48 a.m.]

[Docket No. E-6823]

## LUZ Y FUERZA DEL NORTE, S. A. AND CENTRAL POWER AND LIGHT CO.

## NOTICE OF APPLICATION

MAY 26, 1958.

Take notice that on May 19, 1958, Luz y Fuerza del Norte, S. A. (Luz y Fuerza), incorporated under the laws of the Republic of Mexico, with its principal place of business at Reynosa, Tamaulipas, Mexico, and Central Power and Light Company (Central), incorporated under the laws of the State of Texas, with its principal place of business at Corpus Christi, Texas, filed a joint application for authorization, pursuant to section 202 (e) of the Federal Power Act, to transmit electric energy from the United States to Mexico, Docket No. E-6823.

Luz y Fuerza proposes to purchase from B & P Bridge Company of Weslaco (Bridge Company), a Texas corporation with its principal place of business at Progreso, Texas, certain facilities at the international border between the United States and Mexico covered by a Permit signed by the Chairman of the Commission on March 11, 1954, and accepted by Bridge Company on April 5, 1954, Docket No. IT-5375, and proposes to transmit the energy over such facilities. Luz y Fuerza filed on May 19, 1958, an application, pursuant to Executive Order 10485, dated September 3, 1953, for permission to operate and maintain these facilities,

Docket No. E-6824. This application states that Bridge Company proposes to surrender its Permit upon the granting of a Permit to Luz y Fuerza.

By order issued May 3, 1954, in Docket No. IT-5375, the Commission authorized Bridge Company to transmit electric energy from the United States to Mexico in an amount not in excess of 219,000 kilowatt-hours per year at a rate not to exceed 50 kilowatts over the facilities specified in the aforementioned Permit. The order recited that the energy to be exported would be obtained from Central.

Luz y Fuerza seeks to increase to 12,000,000 kwh the maximum amount and to 2,500 kw the maximum rate of electric energy which may be exported annually over the above-mentioned facilities. The energy to be exported would be used for distribution in the towns of Nuevo Progreso and Canales, State of Tamaulipas, Mexico, and vicinity. Central will continue to be the supplier of the exported energy.

Any person desiring to be heard or to make any protest with reference to the aforementioned application filed pursuant to section 202 (e) of the Federal Power Act should, on or before Sept. 12, 1958, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] MICHAEL J. FARRELL,  
Acting Secretary.

[F. R. Doc. 58-6924; Filed, Aug. 26, 1958;  
8:52 a.m.]

[Project No. 2088]

## OROVILLE-WYANDOTTE IRRIGATION DISTRICT

## NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

AUGUST 21, 1958.

Public notice is hereby given that Oroville-Wyandotte Irrigation District, of Oroville, California, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the license for water-power Project No. 2088, known as the South Fork Project and to be located on the South Fork of Feather River and its tributary Lost Creek, and Slate Creek, a tributary of the North Fork of Yuba River, in Butte, Plumas, Sierra, and Yuba Counties, California, and having its general center about 25 miles easterly from Oroville, to revise the presently licensed but unconstructed project so that it shall consist of (1) Grass Valley Dam and Reservoir, consisting of a rock-fill dam about 200 feet high across South Fork of Feather River, creating a reservoir with gross storage capacity of 91,300 acre-feet at elevation 5,045; (2) Slate Creek Dam and Reservoir, consisting of a concrete arch dam about 130 feet high across Slate Creek, creating a reservoir with capacity of 5,800 acre-feet at elevation 3,816; (3) Sly Creek Dam and Reservoir, consisting of a rock-fill dam about 265 feet high across

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Lost Creek, creating a reservoir with storage capacity of 59,000 acre-feet at elevation 3,520; (4) Lost Creek Dam and Reservoir, consisting of an existing concrete arch dam about 100 feet high across Lost Creek, creating a reservoir which has a storage capacity of 5,800 acre-feet at elevation 3,282; (5) two diversion tunnels about 12,700 feet and 14,350 feet long extending from Slate Creek and the South Fork of Feather River, respectively, each terminating near the upper end of Sly Creek Reservoir and the diversions to be effected by low concrete arch dams 53 feet and 45 feet high, respectively; (6) Forbestown Diversion Dam and Reservoir, consisting of a concrete arch diversion dam about 85 feet high across South Fork of Feather River, to allow maximum forebay regulation to elevation 1,783 for the proposed Forbestown Powerhouse, the diversion dam to be located about 1,980 feet downstream from the proposed Woodleaf Powerhouse; (7) Ponderosa Dam and Forbestown Afterbay, consisting of a concrete arch dam about 130 feet high across South Fork of Feather River below the Forbestown Powerhouse, with spillway crest at elevation 960, and forming a reservoir with an effective pondage capacity of about 1,748 acre-feet; (8) Woodleaf Powerhouse, on South Fork of Feather River, and to be served by a pressure tunnel extending 18,400 feet from Lost Creek Reservoir to a portal and thence by a single penstock 3,630 feet long, the proposed powerhouse to contain one impulse turbine rated at 68,000 horsepower and direct-connected to a generator rated at 57,000 kva and 49,000 kw at 86 percent power factor; (9) Forbestown Powerhouse, on South Fork of Feather River, and to be served by a pressure tunnel extending 18,290 feet to a portal and thence by a single penstock 1,270 feet long, the proposed powerhouse to contain a single 37,500 horsepower turbine direct-connected to a generator rated at 30,000 kva and 27,000 kw at 90 percent power factor; and (10) a substation and appurtenant facilities at each of the proposed powerhouses. No transmission lines are contemplated for inclusion in the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is October 6, 1958. The application is on file with the Commission for public inspection.

(SEAL) MICHAEL J. FARRELL,  
Acting Secretary.

[F. R. Doc. 58-6925; Filed, Aug. 26, 1958;  
8:52 a. m.]

[Docket No. G-13659]

BOARD OF MAYOR AND ALDERMAN OF MASON,  
TENNESSEE

NOTICE OF APPLICATION AND DATE OF  
HEARING

AUGUST 21, 1958.

Take notice that the Board of Mayor and Alderman of Mason, in the State of

Tennessee (Applicant), a body politic and corporate, filed on November 6, 1957, an application for an order under section 7 (a) of the Natural Gas Act directing Trunkline Gas Company (Trunkline), to establish physical connection of its transportation facilities with the proposed facilities of Applicant and to sell natural gas to Applicant for resale to the public in the town of Mason, Tennessee and its environs, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

There are no gas distribution facilities presently in existence in Mason. Applicant proposes to construct and operate such a system and a  $\frac{1}{2}$  mile 3-inch pipeline connecting its system to Trunkline's pipeline in Tipton County, Tennessee.

The estimated cost of the facilities required by Applicant to receive and distribute natural gas in Mason is \$55,000, which amount is to be acquired by the sale of municipal revenue bonds at 5 $\frac{1}{2}$  percent.

The estimated gas requirements of Applicant are as follows:

Year	Volumes in Mcf	
	Peak Day	Annual
1958	116	8,500
1959	153	11,200
1960	185	13,500
1961	215	15,700
1962	222	17,800

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 28, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW, Washington, D. C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 16, 1958.

(SEAL) MICHAEL J. FARRELL,  
Acting Secretary.

[F. R. Doc. 58-6926; Filed, Aug. 26, 1958;  
8:52 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

D T M CORP.

NOTICE OF APPLICATION TO STRIKE FROM  
LISTING AND REGISTRATION, AND OF OP-  
PORTUNITY FOR HEARING

AUGUST 20, 1958.

In the matter of D T M Corporation (Formerly Diamond T Motor Car Company), Common Stock, File No. 1-2822.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated

thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

In the opinion of the Exchange, the issue is no longer suitable for dealing and listing on the Exchange in that the principal operating assets of the Company have been sold and the Company has ceased to be an operating Company.

Upon receipt of a request, on or before September 5, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 58-6916; Filed, Aug. 26, 1958;  
8:50 a. m.]

## DAVEGA STORES CORP.

NOTICE OF APPLICATION TO STRIKE FROM  
LISTING AND REGISTRATION, AND OF OP-  
PORTUNITY FOR HEARING

AUGUST 20, 1958.

In the matter of Davega Stores Corporation, Common Stock, 5 Percent Preferred Stock, File No. 1-3281.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

In the opinion of the Exchange these two issues are no longer suitable for dealing and listing on the Exchange because the aggregate market value of the Common Stock is less than \$2,000,000 and the average net earnings of the Company, after taxes, for the last three years have been less than \$200,000. Both stocks have become listed and registered on the American Stock Exchange.

Upon receipt of a request, on or before September 5, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state

briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 58-6917: Filed, Aug. 26, 1958;  
8:50 a. m.]

[File No. 70-3724]

INDIANA & MICHIGAN ELECTRIC CO.

NOTICE OF PROPOSED ISSUE AND SALE OF  
SHORT-TERM NOTES TO BANKS

AUGUST 20, 1958.

Notice is hereby given that Indiana & Michigan Electric Company ("Indiana"), an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 6 (b) thereof as applicable to the proposed transactions, which are summarized as follows:

Pursuant to loan agreements with a group of ten commercial banks, Indiana proposes to issue and sell to them its unsecured promissory notes in the aggregate maximum amount of \$21,000,000 outstanding at any one time, to evidence borrowings of like amount. The names of the banks and their maximum participations under the loan agreements are as follows:

Irving Trust Co.	New York, N. Y.	\$3,150,000
Mellon National Bank & Trust Co.	Pittsburgh, Pa.	3,150,000
First National City Bank of New York, Manufacturers Trust Co.	New York, N. Y.	3,150,000
do	do	2,730,000
do	do	2,100,000
The Hanover Bank	New York, N. Y.	1,470,000
Chemical Corn Ex- change Bank	do	1,470,000
The Northern Trust Co.	Chicago, Ill.	630,000
Total		21,000,000

The notes will be dated when issued, will mature not more than 270 days after the date of issuance, and will bear interest at the prime rate (presently 3 1/2 percent per annum). The notes may be prepaid from time to time, in whole or in part, without premium. No notes will be issued hereunder after Indiana's next permanent financing, from the proceeds of which the notes will be retired.

No. 168—5

Of the \$21,000,000 proposed to be borrowed, Indiana has already borrowed \$2,500,000 and states that it may borrow \$10,100,000 more without the approval of the Commission by virtue of the exemption provided in the first sentence of section 6 (b) of the act. Approval is requested for the borrowings in excess of such exemption in amounts sufficient to enable Indiana to issue up to \$21,000,000 of notes, at any one time outstanding.

The proceeds from the notes will be used by Indiana to pay part of the costs of its construction program which, it is estimated, will amount to \$35,300,000 during the last six months of 1958. It is estimated that cash generated internally will be sufficient to pay approximately 20 percent of the construction costs.

Indiana expects that its next permanent financing will be completed in November 1958, and that it will consist of the sale of senior and equity securities, or a capital contribution, in such amounts and proportions as will maintain Indiana's capital structure on a sound basis.

No finders' fees or commissions will be paid. It is estimated that Indiana's expenses will not exceed \$1,000, exclusive of issuance taxes which are to be paid to the State of Indiana.

It is stated that the issue and sale of the short-term notes will be expressly authorized by the Public Service Commission of Indiana, in which State the applicant is organized and doing business.

Notice is further given that any interested person may, not later than September 4, 1958 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 58-6918: Filed, Aug. 26, 1958;  
8:51 a. m.]

[File No. 70-3723]

OHIO POWER CO.

NOTICE OF PROPOSED ISSUE AND SALE OF  
SHORT-TERM NOTES TO BANKS

AUGUST 20, 1958.

Notice is hereby given that Ohio Power Company ("Ohio"), an electric utility subsidiary of American Electric Power Company, Inc., a registered hold-

ing company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 and 7 thereof as applicable to the proposed transactions, which are summarized as follows:

Pursuant to loan agreements with a group of ten commercial banks, Ohio proposes to issue and sell to them its unsecured promissory notes in aggregate amount not exceeding \$40,000,000 to evidence borrowings of like amount. The names of the banks and their maximum participations under the loan agreements are as follows:

Irving Trust Co.	New York, N. Y.	\$6,000,000
Mellon National Bank & Trust Co.	Pittsburgh, Pa.	6,000,000
First National City Bank of New York, Manufacturers Trust Co.	New York, N. Y.	6,000,000
do	do	5,200,000
Guaranty Trust Com- pany of New York, Continental Illinois Na- tional Bank and Trust Co. of Chicago, Bankers Trust Co.	do	4,000,000
The Hanover Bank	Chicago, Ill.	4,000,000
Chemical Corn Ex- change Bank	do	2,800,000
The Northern Trust Co.	do	2,000,000
Total	Chicago, Ill.	1,200,000
		40,000,000

The notes will be dated in each case when the borrowing is made, will mature not more than 270 days after the date of issuance, and will bear interest at the prime rate (presently 3 1/2 percent per annum). The notes may be prepaid from time to time, in whole or in part, without premium. No notes will be issued hereunder after June 30, 1959.

Of the \$40,000,000 proposed to be borrowed, Ohio has already borrowed \$13,000,000 and states that it may borrow \$8,700,000 more without approval of the Commission, by virtue of the exemption provided in the first sentence of section 6 (b) of the act. Approval is requested for the borrowings in excess of such exemption in amounts sufficient to enable Ohio to issue up to \$40,000,000 of notes, at any one time outstanding.

The proceeds from the notes will be used by Ohio to pay part of the costs of its construction program which, it is estimated, will amount to \$22,000,000 for the last six months of 1958 and \$30,000,000 for the first six months of 1959. It is estimated that cash generated internally will be sufficient to pay approximately 40 percent of the construction costs.

Ohio expects to complete its next permanent financing prior to June 30, 1959, and to pay off all of the notes from the proceeds of such financing which will consist of senior and equity securities, or a capital contribution, in such proportions as will maintain Ohio's capital structure on a sound basis. Upon the consummation of such permanent financing, the authorization hereunder shall cease.

No finders' fees or commissions will be paid. It is estimated that Ohio's expenses will not exceed \$1,000.

It is stated that no other regulatory commission has jurisdiction in the matter.

Notice is further given that any interested person may, not later than September 4, 1958 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration as filed or as amended may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 58-6919; Filed, Aug. 26, 1958;  
8:51 a. m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 49]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 22, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Special Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

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

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

#### MOTOR CARRIERS OF PROPERTY

No. MC 67646 (Sub-No. 2) (Deviation No. 2). HALL'S MOTOR TRANSIT COMPANY, P. O. Box 738, Sunbury, Pa., filed August 11, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Buffalo, N. Y., and New York, N. Y., as follows: from Buffalo over the New York State Thruway and access routes to New York City and return over the same route, for operating convenience only, serving no intermediate

points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: Between Buffalo, N. Y., and Harrisburg, Pa., as follows: from Buffalo over New York Highway 33 to Batavia, N. Y., thence over New York Highway 63 to Wayland, N. Y., thence over U. S. Highway 15 to Williamsport, Pa., thence over Pennsylvania Highway 14 to Northumberland, Pa., thence over U. S. Highway 11 to Harrisburg (also, from Harrisburg to Greigsville, N. Y., as specified, thence over New York Highway 36 to Caledonia, N. Y., and thence over New York Highway 5 to Buffalo); also from Harrisburg to Geneva as specified, thence over New York Highway 39 to Avon, N. Y., thence over New York Highway 5 to Caledonia, N. Y., and thence Buffalo; also from Sunbury, Pa., to Williamsport, Pa., over U. S. Highway 15); between Wayland, N. Y., and Rochester, N. Y., as follows: from Wayland over New York Highway 15A to Rochester; between Trout Run, Pa., and Syracuse, N. Y., as follows: From Trout Run over Pennsylvania Highway 14 to the Pennsylvania-New York State line, thence over New York Highway 14 to Horseheads, N. Y., via Elmira, thence over New York Highway 13 to Cortland, N. Y., and thence over U. S. Highway 11 to Syracuse (also over New York Highway 14 to Geneva, N. Y., and thence over New York Highway 5 to Syracuse; also over U. S. Highway 15 to Painted Post, N. Y., thence over U. S. Highway 17 to Binghamton, N. Y., thence over U. S. Highway 11 to Syracuse); between Endicott, N. Y., and Scranton, Pa., as follows: From Endicott over New York Highway 17H to junction U. S. Highway 11, thence over U. S. Highway 11 to Scranton; between Harrisburg, Pa., and Scranton, Pa., as follows: from Harrisburg over U. S. Highway 11 to Scranton; between Scranton, Pa., and Mansfield, Pa., as follows: From Scranton over U. S. Highway 6 to Mansfield; between Buffalo, N. Y., and Geneva, N. Y., as follows: from Buffalo over New York Highway 130 to junction U. S. Highway 20, thence over U. S. Highway 20 to East Avon, N. Y., thence over U. S. Highway 15 to Rochester, N. Y., thence over New York Highway 96 to junction U. S. Highway 332, thence over U. S. Highway 332 to Canadagua, N. Y., and thence over New York Highway 5 to Geneva; between Sunbury, Pa., and New York, N. Y., as follows: from Sunbury over U. S. Highway 122 to Hamburg, Pa., thence over U. S. Highway 22 to Newark, N. Y., thence over U. S. Highway 1 to New York City; (also between Phillipsburg, N. J., and Paterson, N. J., as follows: From Phillipsburg over New Jersey Highway 24, to junction New Jersey Highway 24, thence over New Jersey Highway 24 to the New Jersey-New York State line, thence over New York Highway 46 to junction New York Highway 86, and thence over New York Highway 86 to Paterson); between Harrisburg, Pa., and Newark, N. J., as follows: From Harrisburg over U. S. Highway 22 to Newark.

No. MC 107500 (Deviation No. 1). BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago 6,

Ill., filed August 15, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Fairfield, Iowa, and junction Iowa Highway 149 and U. S. Highway 63, as follows: From Fairfield over Iowa Highway 1 to junction Iowa Highway 78, thence over Iowa Highway 78 to junction Iowa Highway 149, thence over Iowa Highway 149 to junction U. S. Highway 63 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: Between Chicago, Ill., and Omaha, Nebr., as follows: From Chicago over U. S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U. S. Highway 34 (also from junction U. S. Highway 34 and Illinois Highway 65 over U. S. Highway 34 to junction Illinois Highway 31), thence over U. S. Highway 34 to Glenwood, Iowa, thence over U. S. Highway 275 to junction Iowa Highway 375, thence over Iowa Highway 375 to Council Bluffs, Iowa, and thence over U. S. Highway 6 to Omaha; and between Oskaloosa, Iowa, and Chariton, Iowa, as follows: From Oskaloosa over U. S. Highway 63 to Bloomfield, Iowa, thence over Iowa Highway 2 to Corydon, Iowa, and thence over Iowa Highway 14 to Chariton.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 75289 (Deviation No. 1), D. C. TRANSIT SYSTEM, INC., 36th and M Streets NW., Washington 7, D. C., filed August 13, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over six deviation routes, as follows: (a) Between Washington, D. C., and Bowie Race Track, Md., as follows: From Washington over the Baltimore-Washington Parkway to junction U. S. Highway 50, thence over U. S. Highway 50 to Maryland Highway 703, thence over Maryland Highway 703 to Bowie Race Track; (b) between Washington, D. C., and Laurel Race Track, Md., as follows: From Washington over the Baltimore-Washington Parkway to junction Maryland Highway 602, thence over Maryland Highway 602 to junction unnumbered road, thence over unnumbered road to Laurel Race Track; (c) Between Washington, D. C., and Pimlico Race Track, in Baltimore, Md., as follows: From Washington over the Baltimore-Washington Parkway to Baltimore, Md., thence over city streets to Pimlico Race Track; (d) between Washington, D. C., and Race Track in Timonium, Md., as follows: From Washington over Baltimore-Washington Parkway to Baltimore, Md., thence over city streets to junction Maryland Highway 25, thence over Maryland Highway 25 to junction Maryland Highway 134, thence over Maryland Highway 134 to junction U. S. Highway 111, thence over U. S. Highway 111 to Timonium; (e) between Washington, D. C., and the Race Track at Bel Air, Md., as follows: From Washington over the Baltimore-Washington Parkway to Baltimore Harbor Tunnel

Expressway, thence over Baltimore Harbor Tunnel Expressway to junction U. S. Highway 40, thence over U. S. Highway 40 to junction Maryland Highway 152, thence over Maryland Highway 152 to junction U. S. Highway 1, thence over U. S. Highway 1 to the Race Track at Bel Air; and (f) between Washington, D. C., and Laurel Raceway near Laurel, Md., as follows: From Washington over the Baltimore-Washington Parkway to junction Maryland Highway 602, thence over Maryland Highway 602 to junction U. S. Highway 1, thence over U. S. Highway 1 to Laurel Raceway; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over the following pertinent routes: from Washington, D. C., over U. S. Highway 50 to Collington, Md., thence over unnumbered highway to Bowie Race Track; from Washington, D. C. over U. S. Highway 1 to Laurel, Md.; from Washington, D. C., over U. S. Highway 1 to Baltimore, Md., thence over city streets to Pimlico Race Track; from Washington, D. C., over U. S. Highway 1 to Baltimore, Md., thence over U. S. Highway 111 to Timonium, Md.; from Washington over U. S. Highway 1 to the Race Track at Bel Air, Md.; from Washington, D. C., over U. S. Highway 1 or Alternate U. S. Highway 1 to Hyattsville, Md., thence over U. S. Highway 1 to the entrance to the Laurel Raceway north of Laurel, Md.; and return over the same routes.

By the Commission.

(SEAL) HAROLD D. MCCOY,  
Secretary.

[F. R. Doc. 58-6030; Filed, Aug. 26, 1958;  
8:53 a. m.]

[Notice 231]

MOTOR CARRIER APPLICATIONS

AUGUST 22, 1958.

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

All hearings will be called at 9:30 o'clock a. m. United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING  
OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub No. 124), filed August 15, 1958. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay Street, Oakland, Calif. Applicant's representative: Earl J. Brooks, P. I. E. Building, 14th and Clay Streets, Oakland 4, Calif. Authority sought to operate as a common carrier, by motor vehicle, transporting: General commodities, including Class A and B

explosives and commodities requiring special equipment, but excluding articles of unusual value, livestock, household goods as defined by the Commission, and commodities in bulk, serving the Inter-Continental Ballistics Missiles testing and launching sites, near Cheyenne, Wyo., and access roads thereto and supply points therefor, and points within fifty (50) miles of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations to and from Cheyenne. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Kansas, Missouri, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

HEARING: September 26, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 198, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 1759 (Sub No. 11), filed June 20, 1958. Applicant: FROEHLICH TRANSPORTATION CO., INC., 31 Victory Street, Stamford, Conn. Applicant's attorney: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N. Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bakery goods, fresh or frozen, (1) from Norwalk, Conn., points in Westchester County, N. Y., and New York, N. Y., to Pittsfield, Mass., and points within 25 miles of Pittsfield, including Pittsfield; and (2) from Norwalk, Conn., to points in Albany, Broome, Chenango, Columbia, Delaware, Dutchess, Fulton, Greene, Montgomery, Nassau, Oneida, Orange, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, and Westchester Counties, N. Y., and New York, N. Y., and stale bakery goods and empty containers or other such incidental facilities (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Connecticut, New Jersey, and New York.

HEARING: October 1, 1958, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 4405 (Sub No. 306), filed August 8, 1958. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trucks, in initial movements, in truckaway and driveway service, from the site of the K-W Dart Truck Company, Kansas City, Mo., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 10, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Frank R. Saltzman.

No. MC 11185 (Sub No. 110), filed July 8, 1958. Applicant: J-T TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, Mo. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. Authority sought to operate as a contract car-

rier, by motor vehicle, over irregular routes, transporting: Aircraft assemblies requiring special handling and equipment because of their delicate and fragile nature, from Columbus, Ohio, to Grand Prairie, Tex. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 10, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Frank R. Saltzman.

No. MC 15289 (Sub No. 4), filed June 27, 1958. Applicant: BLUE ARROW EXPRESS, INC., 606 West 47th Street, New York 36, N. Y. Applicant's attorney: Daniel G. Levin, Bar Building, Ossining, N. Y. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Floor coverings and materials and supplies used in the manufacture of floor coverings, between New London, Conn., on the one hand, and, on the other, New York, N. Y., and points in New York and New Jersey within 70 miles of Columbus Circle, New York, N. Y. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: October 2, 1958, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 17683 (Sub No. 20), filed June 12, 1958. Applicant: DAVIS TRANSPORT, INC., 73 Emerald Street, Keene, N. H. Applicant's attorney: S. Harrison Kahn, 726-34 Investment Building, Washington, D. C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cement, in bulk and in bags, palletized or otherwise, cement products, and empty containers, pallets, or other such incidental facilities used in transporting cement or cement products, between Glens Falls, N. Y., on the one hand, and, on the other, points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. Applicant is authorized to conduct operations in New Hampshire, Vermont, Massachusetts, and Rhode Island.

HEARING: October 13, 1958, at the New Hampshire Public Service Commission, Concord, N. H., before Examiner James I. Carr.

No. MC 20783 (Sub No. 34), filed July 2, 1958. Applicant: TOMPKINS MOTOR LINES, INC., 628 East Adams Street, Springfield, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Asbestos cement conduit or pipe containing asbestos fibre and asbestos couplings and rubber washers when moving at the same time and on the same vehicle with the conduit or pipe, from St. Louis, Mo., to points in Tennessee, North Carolina, South Carolina, Alabama, Georgia, and Florida, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct regular route operations in Georgia, North Carolina, and Tennessee, and irregular route operations in Alabama, Florida, Georgia,

North Carolina, South Carolina, and Tennessee.

**HEARING:** October 20, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Frank R. Saltzman.

No. MC 23976 (Sub No. 9), filed June 9, 1958. Applicant: BEND-PORTLAND TRUCK SERVICE, INC., 1321 Southeast Water Avenue, Portland 14, Oregon. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: Explosives and other dangerous articles (1) between Portland, Oreg., and Alturas, Calif., from Portland over U. S. Highway 26 to the junction of U. S. Highway 97 near Madras, Oreg., thence over U. S. Highway 97 to Bend, Oreg., thence over U. S. Highway 97 to the junction of Oregon Highway 31, thence over Oregon Highway 31 to the junction of U. S. Highway 395 at or near Valley Falls, Oreg., thence over U. S. Highway 395 to Alturas, and return over the same route; (2) between Bend, Oreg., and Burns, Oreg., over U. S. Highway 20, serving all intermediate and off route points in Modoc County, Calif., and those in Klamath, Lake, Deschutes, Jefferson, Crook, and Harney Counties, Oreg. Applicant is authorized to conduct operations in Oregon.

**HEARING:** October 24, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 11.

No. MC 23976 (Sub No. 10), filed June 9, 1958. Applicant: BEND-PORTLAND TRUCK SERVICE, INC., 1321 Southeast Water Avenue, Portland 14, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: General commodities, including Class A and B explosives, (1) between Bend, Oreg., and Sisters, Oreg., over U. S. Highway 20; (2) between Redmond, Oreg., and Sisters, Oreg., over U. S. Highway 126, serving no intermediate points. Applicant is authorized to conduct operations in Oregon.

**HEARING:** October 23, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 172.

No. MC 26373 (Sub No. 3), filed May 16, 1958. Applicant: VANWAYS, INC., Sixth and Albany Streets, P. O. Box 48, Caldwell, Idaho. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, 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 Boise, Idaho, and Baker, Oreg., over U. S. Highway 30, serving all intermediate points, and the off-route points of Homedale, Parma, Payette, Weiser, Star, Eagle, Middleton, Wilder and Marsing, Idaho, and Nyssa, Oreg. Applicant is authorized to conduct irregular route operations in Idaho, Oregon, and Washington.

**NOTE:** Applicant states this is an application to convert an irregular route operation to a regular route operation; that it presently has irregular route authority under Docket No. MC 26373 to transport the subject commodities between all points in the counties traversed by the proposed route, namely the Idaho Counties of Ada, Canyon, Gem,

and Payette, and the Oregon Counties of Malheur and Baker. Applicant further states if the requested authority is granted, it would coincidentally request cancellation of its irregular route authority between Boise and Baker and the pertinent intermediate and off-route point as presently authorized in Docket No. MC 26373.

**HEARING:** October 6, 1958, at the Idaho Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 6.

No. MC 30200 (Sub No. 3), filed May 12, 1958. Applicant: GEORGE OLTMAN AND SUE OLTMAN, doing business as OLTMAN TRUCK SERVICE, P. O. Box 511, Burns, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, in tank vehicles, from points in Payette and Ada Counties, Idaho, to points in Harney County, Oreg. Applicant is authorized to conduct operations in California, Idaho, Nevada, Oregon, and Washington.

**HEARING:** October 20, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 6.

No. MC 31600 (Sub No. 454), filed August 8, 1958. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: Sizing, in bulk, from Chicopee, Mass., to Sunbury, Pa., and empty containers or other such incidental facilities used in transporting sizing, on return. Applicant is authorized to conduct operations in Rhode Island, Massachusetts, Connecticut, New York, New Jersey, New Hampshire, Maine, Pennsylvania, Delaware, Vermont, Kentucky, Ohio, Illinois, Maryland, West Virginia, South Carolina, North Carolina, Virginia, Indiana, and Michigan.

**HEARING:** September 30, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner C. Evans Brooks.

No. MC 35628 (Sub No. 219), filed August 13, 1958. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a Corporation, 134 Grandville SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: General commodities, except Class A and B explosives, dangerous inflammables, household goods as defined by the Commission, and commodities in bulk (except scrap metal in bulk), serving the site of the Forest Products Division plant of Olin Mathieson Chemical Corporation located about six miles southeast of Joliet, Ill., as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and St. Louis, Mo., over U. S. Highway 66 and Alternate U. S. Highway 66. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Wisconsin, West Virginia, and the District of Columbia.

**HEARING:** September 11, 1958, in Room 852, U. S. Custom House, 610 South

Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 36517 (Sub No. 5), filed June 9, 1958. Applicant: JAMES J. KEATING, INC., 58 State Street, Perth Amboy, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: Salt cake (crude sulphate of soda) in bulk, in hopper-type vehicles, from Havre de Grace, Md., to Jersey City, N. J., and returned or refused shipments of the above-described commodity on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

**HEARING:** September 30, 1958, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 41849 (Sub No. 7), filed July 21, 1958. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Dry bulk commodities, in dump trucks, between St. Louis, Mo., and points in St. Louis and St. Charles Counties, Mo., on the one hand, and, on the other, points in Madison and St. Clair Counties, Ill. Applicant is authorized to conduct operations in Illinois and Missouri.

**HEARING:** October 17, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 42487 (Sub No. 373), filed August 4, 1958. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorneys: Ron E. Poelman, Consolidated Freightways, Inc., Menlo Park, Calif., and Donald A. Schafer, 1026 Public Service Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular 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, over an alternate route for operating convenience only, between Casper, Wyo., and Pocatello, Idaho, serving no intermediate points and service Casper for the purpose of joinder only; from Casper over Wyoming Highway 220 through Alcova, Wyo., to junction U. S. Highway 287 at Muddy Gap, Wyo., thence over U. S. Highway 287 through Lamont, Wyo., to Rawlins, Wyo., thence over U. S. Highway 30 through Rock Springs, Wyo., to junction U. S. Highway 30-N about five miles south of Granger, Wyo., thence over U. S. Highway 30-N through Kemmerer, Sage, and Border, Wyo., and Montpelier, Soda Springs, and McCammon, Idaho, to Pocatello, and return over the same route. Applicant is authorized to conduct operations in California, Oregon, Washington, Idaho, Montana, Minnesota,

soia, Wyoming, Wisconsin, Illinois, Indiana, Missouri, Nebraska, Kentucky, North Dakota, South Dakota, and Iowa.

**Note:** Applicant is authorized to conduct the above operations in Certificate No. MC 42487 (Sub No. 249), and the purpose of this application is to eliminate the restriction contained in such certificate reading "with service over this route restricted to traffic moving to or from the points in Washington, Oregon and Idaho".

**HEARING:** October 9, 1958, at the Idaho Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 29.

No. MC 42963 (Sub No. 8), filed July 7, 1958. Applicant: DANIEL HAMM DRAYAGE COMPANY, INC., 2d and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated commercial refrigeration cases*, which because of size, weight and shape, require the use of special equipment and special handling, and *related parts and equipment* when moving in conjunction with uncrated commercial refrigeration cases, from St. Louis, Mo., to points in the United States, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kentucky, Missouri, Ohio, and Tennessee.

**HEARING:** October 21, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Frank R. Saltzman.

No. MC 52709 (Sub No. 85), filed August 13, 1958. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including Class A and B explosives*, but excluding livestock, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points within a 50 mile radius of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations to and from Cheyenne. Applicant is authorized to conduct operations in Colorado, Wyoming, Nebraska, Illinois, Iowa, California, Utah, Missouri, and Nevada.

**Note:** Applicant states that the sole purpose of this application is to serve launching sites of the Intercontinental Ballistic Missiles and any authority granted may be so restricted.

**HEARING:** September 26, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 198, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 60012 (Sub No. 40), filed July 28, 1958. Applicant: RIO GRANDE MOTOR WAY, INC., 775 Wazee Street, Denver, Colo. Applicant's attorney: Ernest Porter, 1531 Stout Street, P. O. Box 5482, Denver 17, Colo. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including Class A and B explosives, commodities in bulk, and commodities requiring special equipment*, but excluding household goods as defined by the Commission and commodities of unusual value, and *rejected or damaged shipments*, between Aztec and Farmington, N. Mex., and the Navajo Dam Site located approximately 30 miles east of Aztec, N. Mex., on the San Juan River, and points within ten (10) miles thereof. Applicant is authorized to conduct operations in Colorado and New Mexico.

**HEARING:** October 2, 1958, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 70451 (Sub No. 204), filed August 6, 1958. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1523 Marcy Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities, including Class A and B explosives*, and excepting commodities of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving points within 50 miles of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations to, from and through Denver, Colo. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, and Wyoming.

**HEARING:** October 22, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 70451 (Sub No. 205), filed August 14, 1958. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1523 Marcy Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except household goods as defined by the Commission, serving the Navajo Dam Site, about ten (10) miles northeast of Blanco, N. Mex., and points within ten (10) miles thereof, as off-route points in connection with applicant's authorized regular route operations between Durango, Colo., and Los Angeles, Calif.; and general commodities, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk, restricted against transportation of commodities the transportation of which because of their size or weight require use of special equipment, serving the Navajo Dam Site, about ten (10) miles northeast of Blanco, N. Mex., and points within ten (10) miles thereof, as off-route points in connection with applicant's authorized regular route operations (a) between Phoenix, Ariz.,

and Durango, Colo. (b) between Phoenix, Ariz., and Holbrook, Ariz., and (c) between Shiprock, N. Mex., and Durango, Colo. Applicant is authorized to conduct operations in Arizona, Colorado, California, Illinois, Iowa, Kansas, Missouri, Nebraska, New Mexico, and Wyoming.

**HEARING:** October 2, 1958, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 70451 (Sub No. 206), filed August 18, 1958. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1523 Marcy Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, and except commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving points within 50 miles of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations to, from and through Denver, Colo. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, and Wyoming.

**Note:** Applicant states the purpose for filing this application is solely to serve launching sites of the Inter-Continental Ballistic Missiles and that any authority granted may be so restricted.

**HEARING:** September 26, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 198, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 73675 (Sub No. 23) (CORRECTION), published in the *FEDERAL REGISTER* issue August 20, 1958, filed August 11, 1958. Applicant: GALLAGHER FREIGHT LINES, INC., 2424 Arapahoe Street, Denver, Colo. Applicant's attorney: Ward A. White, P. O. Box 332, 410 Bell Building, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, 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, serving the missile launching sites (now and to be) located near Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations to and from Cheyenne and Fort Francis E. Warren, Wyo. Applicant is authorized to conduct operations in Colorado, Utah, and Wyoming.

**Note:** Previous publication indicating hearing before Joint Board No. 194, was in error.

**HEARING:** September 26, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 197, or if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 76032 (Sub No. 126), filed August 6, 1958. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, 54½ East San Francisco Street, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular 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 Kansas City, Mo., and Dalhart, Tex.; from Kansas City over U. S. Highway 50 (portion formerly U. S. 50S) via Ottawa, Emporia, Newton, and Hutchinson, Kans., to junction Kansas Highway 61 at Hutchinson, thence over Kansas Highway 61 to Pratt, Kans., thence over U. S. Highway 54 via Meade and Liberal, Kans., and Guymon, Okla., to Dalhart, and return over the same route serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in New Mexico, California, Arizona, Texas, Colorado, Illinois, Missouri, Nebraska, Indiana, Oklahoma, Iowa, Kansas, and Nevada.

NOTE: Applicant seeks the following restriction: Restricted against transporting traffic over said routes to and from points in Texas except that moving through the Albuquerque, N. Mex., gateway. In No. MC 76032 Sub-91 applicant holds alternate route authority between Kansas City, Mo., and Dalhart, Tex., via U. S. Highway 50 via Ottawa, Emporia, Newton, and Hutchinson, Kans., to junction U. S. Highway 183 at Kinsley, Kans., thence over U. S. Highway 183 to junction U. S. Highway 54, thence over U. S. Highway 54 via Meade and Liberal, Kans., and Guymon, Okla., to Dalhart, restricted as proposed herein. Applicant's attorney states: "Inasmuch as the authority held by applicant between Kansas City and Dalhart is an alternate route even though the actual mileage savings amounts to only 27 miles. \* \* \* While it is not anticipated that the mileage savings over the proposed alternate route will result in any substantial savings, highway conditions over U. S. Highway 183 between Kinsley and Greensberg are such that it becomes imperative for applicant to seek a somewhat different route between Hutchinson and Greensberg. \* \* \* for this reason applicant is necessarily filing a new alternate route application."

HEARING: September 30, 1958, at the Hotel Kansan, Topeka, Kans., before Examiner Frank R. Saltzman.

No. MC 76564 (Sub No. 62), filed August 5, 1958. Applicant: HILL LINES, INC., 1300 Grant Street, Amarillo, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives and commodities in bulk*, but excluding household goods as defined by the Commission, commodities of unusual value, and those requiring special equipment, (1) between Artesia, N. Mex., and El Paso, Tex., from Artesia over New Mexico Highway 83 to the junction of U. S. Highway 54, thence over U. S. Highway 54 to El Paso, and return over the same route; (2) between Roswell, N. Mex., and El Paso, Tex., from Roswell over U. S. Highway 285 to the

junction of New Mexico Highway 13, thence over New Mexico Highway 13 to the junction of New Mexico Highway 83, thence over New Mexico Highway 83 to the junction of U. S. Highway 54, thence over U. S. Highway 54 to El Paso, and return over the same route, serving all intermediate points on the above routes and the off-route points of Holloman Air Force Base located approximately 9 miles west of Alamogordo, N. Mex., on U. S. Highway 70, and Weed, N. Mex., located approximately 8 miles south of Mayhill, N. Mex. Applicant is authorized to conduct operations in New Mexico and Texas.

HEARING: October 6, 1958, at the U. S. Court Rooms, Roswell, N. Mex., before Joint Board No. 33.

No. MC 79491 (Sub No. 1), filed June 24, 1958. Applicant: ARMIN WEINMANN, doing business as A. WEINMANN, 74 Avenue B, West Babylon, N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pianos*, between New York, N. Y., on the one hand, and, on the other, points in Rockland, Orange, Dutchess, Putnam, and Westchester Counties, N. Y.; (2) *Organs*, and *organ and piano parts and benches*, between New York, N. Y., on the one hand, and, on the other, points in New Jersey and Connecticut. Applicant is authorized to conduct operations in New York, New Jersey, and Connecticut.

HEARING: October 2, 1958, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 79690 (Sub No. 18), filed June 25, 1958. Applicant: COAST-LEE & EASTES, INC., 2326 Airport Way, Seattle 4, Wash. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular 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 commodities requiring special equipment, between Centralia, Wash., and Elma, Wash.; from Centralia over Washington Highway 9 to Elma, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations. Applicant is authorized to conduct operations in Washington and Oregon.

HEARING: October 30, 1958, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 80.

No. MC 80402 (Sub No. 4), filed June 4, 1958. Applicant: TERMINAL FREIGHT TRANSPORT, INC., Paterson Plank Road and Route 3, E. Rutherford, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including commodities in bulk*, and excepting those of unusual value, Class A and B explosives, livestock,

household goods as defined by the Commission, and those requiring special equipment, between East Rutherford, N. J., on the one hand, and, on the other, points in Somerset, Monmouth, Middlesex and Morris Counties, N. J., restricted to shipments having a prior or subsequent movement in interstate commerce. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, New Jersey, New York, and the District of Columbia.

HEARING: September 29, 1958, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 85093 (Sub No. 2), filed July 24, 1958. Applicant: AARON ISRAEL, doing business as ARCHIE'S MOTOR TRANSPORTATION CO., 349 South Second Street, New Bedford, Mass. Applicant's attorney: Foster R. Herman, Masonic Building, New Bedford, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Haddock, shrimp, scallops, fish sticks, chicken, onion rings, codfish cakes, fish dinners, seafood dinners* requiring refrigeration in transit, between New Bedford, Mass., and Providence, R. I., over U. S. Highway 6, serving no intermediate points. Applicant is authorized to conduct operations in Massachusetts and Rhode Island.

HEARING: October 14, 1958, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 18, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 88748 (Sub No. 1), filed July 22, 1958. Applicant: CONTRACT PACKERS, INC., 2331 12th Avenue, New York 27, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated and crated, from New York and Westbury, N. Y., to points in Hudson, Bergen, Essex, Passaic, Sussex, Warren, Hunterdon, Mercer, Ocean, Monmouth, Somerset, Middlesex, Union, and Morris Counties, N. J., and *rejected, returned or traded-in shipments* on the above-described commodity, on return. Applicant is authorized to transport kitchen furniture from New York, N. Y., to Trenton and Asbury Park, N. J., and points in New Jersey within 40 miles of New York, N. Y.

NOTE: Applicant requests the above-described operations be restricted to home deliveries only and states that any duplicating authority is to be canceled.

HEARING: October 17, 1958, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 89778 (Sub No. 70), filed July 2, 1958. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW, Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Class A and B explosives, blasting supplies, nitro-carbonate and ammonium nitrate, fertilizer compounds, dry, in bags or bulk*, from Ordill, Ill., to points in Colorado, Geor-

gia, Michigan, Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin. Applicant is authorized to conduct contract and common carrier operations in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 89778 (Sub No. 69).

HEARING: October 20, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Frank R. Saltzman.

No. MC 94963 (Sub No. 3), filed August 4, 1958. Applicant: GEORGE R. T. ROBERTS, Sabetha, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade Building, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: Beer in cans, from New York, N. Y., to Kansas City, Mo. Applicant is authorized to conduct operations in Illinois, Kansas, Missouri, New York, and Pennsylvania.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 94963 (Sub No. 2).

HEARING: October 6, 1958, at the New Hotel Pickwick, Kansas City Mo., before Examiner Frank R. Saltzman.

No. MC 98610 (Sub No. 1), filed June 11, 1958. Applicant: KANSAS TRANSPORT COMPANY, a Corporation, McPherson, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Cement, in bulk and in packages and containers, and empty containers or other such incidental facilities (not specified) used in transporting the above-specified commodity, between points in Oklahoma, Colorado, Nebraska, and Kansas.

HEARING: October 2, 1958, at the Hotel Kansan, Topeka, Kans., before Examiner Frank R. Saltzman.

No. MC 102373 (Sub No. 4), filed July 7, 1958. Applicant: JACOB R. COHN, 153 Emerson Street, Springfield, Mass. Applicant's representative: William L. Mobley, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Scrap metals, loose or in barrels, in dump vehicles, from points in Connecticut within 35 miles of Springfield, Mass., to Springfield, Mass. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, and Connecticut.

HEARING: October 15, 1958, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 22, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 102616 (Sub No. 659), filed August 6, 1958. Applicant: COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernley, 1624 Eye Street NW, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Vegetable oils (edible), in bulk, in tank vehicles, from Reading, Pa., to points in Delaware, Maryland, New Jersey, Pennsylvania, and the District of Columbia, restricted to transportation of shipments having a prior movement by rail. 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, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia:

NOTE: Duplication with present and pending authority to be eliminated.

HEARING: September 29, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 102982 (Sub No. 3) filed August 11, 1958. Applicant: GEORGE W. KUGLER, INC., P. O. Box 511, Clearfield, Pa. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Clay products, from the sites of Robinson Clay Products Company plants at or near Mogadore (Summit County), Ohio, Midvale and Parral (Tuscarawas County), Ohio, and Malvern (Carroll County), Ohio, to points in Maine, Vermont, New Hampshire, Connecticut, Rhode Island, and Massachusetts; and from Mogadore (Summit County), Ohio, and Malvern (Carroll County), Ohio, to points in New Jersey, Delaware, and the District of Columbia; and empty containers, rejected and unused clay products, and materials and supplies used in the manufacture of clay products, on return. Applicant is authorized to transport clay products in West Virginia, Maine, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Rhode Island, Virginia, the District of Columbia, New Hampshire, and Vermont.

HEARING: October 1, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James C. Cheseldine.

No. MC 104654 (Sub No. 116), filed July 24, 1958. Applicant: COMMERCIAL TRANSPORT, INC., South 20th Street, P. O. Box 297, Belleville, Ill. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Petroleum and petroleum products as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61

M. C. C. 209, in bulk, in tank vehicles, from East St. Louis, Cahokia, and Roxana, Ill., and points within 5 miles of Roxana to points in Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Missouri, Kentucky, Arkansas, and Tennessee.

HEARING: October 16, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 194, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 107500 (Sub No. 18), filed August 15, 1958. Applicant: BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, 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, serving points within a 50 mile radius of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations to, from and through Cheyenne, Wyo. Applicant is authorized to conduct operations in Colorado, Nebraska, Missouri, Illinois, and Iowa.

NOTE: Applicant states that the purpose of this application is solely to serve launching sites of Inter-Continental Ballistics Missiles and any authority granted may be so restricted.

HEARING: September 26, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 198, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 108340 (Sub No. 9), filed June 24, 1958. Applicant: HANEY TRUCK LINE, a Corporation, 2219 Cedar Street, Forest Grove, Oreg. Applicant's attorney: Earle V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, between points in Washington County, Oreg., on the one hand, and, on the other, points in Washington. Applicant is authorized to conduct operations in Idaho, Oregon, and Washington.

HEARING: October 16, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 45.

No. MC 110420 (Sub No. 192), (CORRECTION), published issue August 20, 1958, filed July 1, 1958. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Paints, varnishes, and synthetic resins, and ingredients thereof, in bulk, in tank vehicles, between Kansas City, Mo., on the one hand, and, on the other, points in Iowa, Kansas, Michigan, Minnesota, Nebraska, Wisconsin, Tennessee, Illinois, Indiana, Kentucky, and Ohio; (2) liquid chocolate and chocolate coating, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Alabama,

Georgia, Illinois, Indiana, North Carolina, Ohio, Pennsylvania, and South Carolina; and to Denver, Colo., Burlington, Iowa, Boston and North Abington, Mass., Fargo, N. Dak., New York, N. Y., and Rochester, N. Y.; (3) *latex emulsion*, in bulk, in tank vehicles, from Ringwood, Ill., to Indianapolis, Ind., and St. Louis, Mo., (4) *ammonium thiosulfate*, in bulk, in tank vehicles, from Ringwood, Ill., to St. Louis, Mo., (5) *blended oils*, in bulk, in tank vehicles, from Mishawaka, Ind., to Cleveland, Ohio, Muskegon and Saginaw, Mich., and Duluth, Minn., (6) *wine*, in bulk, in tank vehicles, from Harbert, Mich., to St. Louis, Mo. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. The purpose of this re-publication is to show that the above commodities will move in bulk, in tank vehicles.

**HEARING:** Remains as assigned October 8, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Harold P. Boss.

No. MC 110525 (Sub No. 366), filed August 21, 1958. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Gerald L. Phelps and Leonard A. Jaskiewicz, Munsey Building, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, isocyanates and liquid plastic materials*, in bulk, in tank vehicles, from Natrium (Marshall County), W. Va., to Chicago, Ill., Gary, Hammond, and La Porte, Ind., Keokuk, Iowa, Baltimore, Md., Detroit, Mich., St. Louis, Mo., Franklin, N. J., and Marietta, Ohio. Applicant is authorized to conduct operations in New Jersey, New York, Maryland, Pennsylvania, Kentucky, West Virginia, Ohio, Delaware, Virginia, North Carolina, Tennessee, Kansas, Michigan, Illinois, Connecticut, Massachusetts, Indiana, Rhode Island, Minnesota, Missouri, Wisconsin, Georgia, and Alabama.

**HEARING:** September 18, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Michael B. Driscoll.

No. MC 112020 (Sub No. 49), filed August 8, 1958. Applicant: COMMERCIAL OIL TRANSPORT, a Corporation, 1030 Stayton Street, Fort Worth, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paints, resins, varnishes and lacquers*, in bulk, in tank vehicles, from points in the Kansas City, Mo., Commercial Zone, to points in Montana, Nebraska, North Dakota, South Dakota, Wyoming, Iowa, Michigan, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Arkansas, Kentucky, Tennessee, Mississippi, Colorado, Kansas, Louisiana, Oklahoma, and Texas; and (2) *linseed oil and soybean oil*, in bulk, in tank vehicles, from points in Ohio,

Minnesota, Illinois and Iowa, to points in the Kansas City, Mo., Commercial Zone. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma, Kansas, Missouri, Nebraska, Iowa, Illinois, Indiana, Colorado, Mississippi, Michigan, Ohio, Wisconsin, New York, Kentucky, and Tennessee.

**HEARING:** October 9, 1958, at the Hotel Pickwick, Kansas City, Mo., before Examiner Frank R. Saltzman.

No. MC 113843 (Sub No. 30), filed July 1, 1958. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston 10, Mass. Applicant's attorney: James M. Walsh, 316 Summer Street, Boston 10, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, from Erie, Pa., to Bridgeport and Hartford, Conn., and New York, N. Y. Applicant is authorized to conduct operations in Ohio, Massachusetts, New York, Maryland, the District of Columbia, Virginia, West Virginia, Illinois, Wisconsin, Connecticut, Indiana, Michigan, New Jersey, Pennsylvania, Rhode Island, Kentucky, Maine, New Hampshire, Texas, North Carolina, South Carolina, Tennessee, Delaware, Missouri, Minnesota, Nebraska, Iowa, and Colorado.

**HEARING:** October 15, 1958, at the U. S. Court Rooms, Hartford, Conn., before Examiner James I. Carr.

No. MC 113908 (Sub No. 39), filed July 22, 1958. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706, Springfield, Mo., Mail: Coon Valley, Wis. Applicant's attorney: Turner White III, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk and milk products and such dairy products as defined in Appendix I to Ex Parte No. MC 45*, as may be transported in bulk, in tank vehicles, between points in North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Iowa, Nebraska, Kansas, Missouri, Oklahoma, Texas, Arkansas, Indiana, Kentucky, Tennessee, and Florida. Applicant is authorized to conduct operations in Illinois, Indiana, Ohio, Kentucky, South Dakota, Iowa, Missouri, Kansas, Minnesota, Nebraska, Texas, Florida, and Michigan.

**HEARING:** October 7, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Frank R. Saltzman.

No. MC 114021 (Sub No. 5), filed June 25, 1958. Applicant: MIDWEST TRANSFER COMPANY OF ILLINOIS, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulating materials*, as more fully described in the application, from St. Louis, Mo., to points in North Dakota, South Dakota, Nebraska, Montana, Wyoming, Colorado, New Mexico, Texas, Mississippi, and Louisiana. Applicant is authorized to conduct operations in Illinois, Michigan, Indiana, Ohio,

Kentucky, Pennsylvania, Missouri, Wisconsin, New York, Iowa, Michigan, New Jersey, and West Virginia.

**HEARING:** October 23, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Frank R. Saltzman.

No. MC 114250 (Sub No. 2), filed June 11, 1958. Applicant: EUGENE LUISI, doing business as LUISI TRUCK LINES, 2516 South First Street, Yakima, Wash. Applicant's attorney: John M. Hickson, Falling Building, Portland, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cannery supplies and materials*, (1) from points in Benton, Cowlitz, Yakima, and Walla Walla Counties, Wash., to points in Umatilla and Malheur Counties, Oreg.; (2) from points in Benton, Cowlitz, Yakima, and Walla Walla Counties, Wash., to points in Nez Perce, Payette, Gem, and Canyon Counties, Idaho; (3) from points in Multnomah County, Oreg., to points in Nez Perce, Payette, Gem, and Canyon Counties, Idaho; *Fruits and vegetables*, fresh processed or manufactured, from points in Umatilla County, Oreg., to points in Yakima, King, Pierce, and Spokane Counties, Wash., and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Oregon.

**HEARING:** October 21, 1958, at 533 Pittock Block, Portland, Oreg., before Joint Board No. 81.

No. MC 115869 (Sub No. 1), filed June 17, 1958. Applicant: HENDRIE & COMPANY, LIMITED, a Corporation, 3 Peter Street, Toronto, Ontario, Canada. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Timber and lumber*, between ports of entry on the International Boundary line between the United States and Canada at or near Buffalo and Niagara Falls, N. Y., on the one hand, and, on the other, points in Niagara, Orleans, Monroe, Erie, and Genesee Counties, N. Y., restricted to shipments either originating at or destined to points in Canada. Applicant is authorized to conduct operations in Michigan and New York.

**HEARING:** October 1, 1958, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 116077 (Sub No. 50), filed August 8, 1958. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, 1020 Brown Building, P. O. Box 858, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Jefferson County, Tex., to points in Oklahoma, Missouri, Illinois, Wisconsin, Minnesota, Iowa, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, New Mexico, Texas, Mississippi, and Louisiana. Applicant is authorized to conduct operations in Alabama, Arizona,

Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, and Texas.

**HEARING:** September 30, 1958, at the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before Examiner Mack Myers.

No. MC 116565 (Sub No. 4), filed April 28, 1958. Applicant: ORVILLE STEVENSON, 318 Southwest K Street, Grants Pass, Oreg. Applicant's representative: I. R. Perry, P. O. Box 594, Grants Pass, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Douglas and Lane Counties, Oreg., to points in California and Nevada.

**HEARING:** October 14, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 151.

No. MC 116632 (Sub No. 3), filed July 16, 1958. Applicant: MOHALAND BROS., INC., Box 208, Princeton, Maine. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) between points in Washington and Hancock Counties, Maine, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada at or near Calais and Bar Harbor, Maine; (2) between points in Washington and Hancock Counties, Maine, on the one hand, and, on the other, points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

**HEARING:** October 9, 1958, at the Federal Building, Portland, Maine, before Examiner James I. Carr.

No. MC 116808 (Sub No. 2), filed June 2, 1958. Applicant: NYLLE MALLORY AND GERALD MALLORY, doing business as MALLORY TRUCKING LINE, Route 1, Burley, Idaho. Applicant's attorney: Raymond D. Givens, 1530 Idaho Street, P. O. Box 964, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in sacks, and in bulk, from North Salt Lake City, Utah, to points in Cassia and Minidoka Counties, Idaho, except Burley, Oakley, Paul, and Rupert, Idaho.

**HEARING:** October 8, 1958, at the Idaho Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 258.

No. MC 116955 (Sub No. 2), filed July 28, 1958. Applicant: STEEL HAULERS, INC., 9725 High Drive, Prairie Village, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade Building, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, loose, or in compressed balls or bundles, (1) from points in Kansas, Minnesota, Nebraska, Oklahoma, Arkansas, Texas, Missouri, Louisiana,

Iowa, South Dakota, and North Dakota, to St. Louis and Kansas City, Mo., and Tulsa, Okla., and the Commercial Zones (as defined by the Commission) of each of said destination cities, and (2) from points in Louisiana, Oklahoma and Arkansas to Houston, Tex., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, South Dakota, and Texas.

**NOTE:** A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a *contract or common carrier*, assigned Docket No. MC 116955 (Sub No. 1).

**HEARING:** October 8, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Frank R. Saltzman.

No. MC 117273 (Sub No. 1), filed July 14, 1958. Applicant: C. & R. TRANSPORT CORP., 3106 Southeast 22d Avenue, Portland, Oreg. Applicant's attorney: Seymour L. Coblenz, Corbett Building, Portland 4, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milled lumber*, from Longview, Wash., to points in California.

**NOTE:** Applicant states the rights applied for herein are those it originally intended to apply for under its application in No. MC 117273, on which a hearing was held July 2, 1958, as well as rights therein for northbound movement of beer and wines from points in California to points in Oregon and Washington. Through error applicant set forth Clark County from which the milled lumber was to be transported, instead of Cowlitz County; therefore, this application is filed only with respect to the southbound movement from one mill in Longview.

**HEARING:** October 14, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 5.

No. MC 117349 (Sub No. 2) filed July 2, 1958. Applicant: VINCENT J. BRAIO, doing business as J. BRAIO TRANS., 5 High Street, Worcester, Mass. Applicant's representative: Arthur A. Wentzell, P. O. Box 720, Worcester, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal*, in bags, from Amagansett, N. Y., to Worcester, Mass., and Manchester, N. H., and *empty bags or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return.

**HEARING:** October 10, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner James I. Carr.

No. MC 117417, filed May 26, 1958. Applicant: CHINOOK MOTOR FREIGHT, INC., 2320 Rudkin Road, Yakima, Wash. Applicant's attorney: Douglas A. Wilson, 916 Larson Building, Yakima, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in Oregon and Idaho to Wallula and Attalia, Wash.; *Paper and paper products*, from Wallula and Attalia, Wash., to points in Oregon and Idaho; and *Empty con-*

*tainers or other such incidental facilities* (not specified) used in transporting the above-described commodities, from the above-specified destination points to the above-specified origin points.

**HEARING:** October 20, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 81.

No. MC 117421, filed May 27, 1958. Applicant: COAST REFRIGERATED TRANSPORT CO., a Corporation, 15 Coburg Road, Eugene, Oreg. Applicant's attorney: Earle V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between Eugene, Oreg., and points in Washington; *eggs*, (packaged), and *empty containers therefor*, between points in Oregon west of the summit of the Cascade Mountains, on the one hand, and, on the other, points in Washington west of the summit of the Cascade Mountain; *flour* (packaged), from Spokane, Wash., to Eugene, Oreg., and *empty containers* used in transporting flour, on return.

**HEARING:** October 23, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 45.

No. MC 117422, filed May 28, 1958. Applicant: MERCHANTS TRANSPORT, INC., 234 Southeast Alder Street, Portland 14, Oreg. Applicant's attorney: Earle V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain and general grocery and food business houses, from points in California, to Eugene and Portland, Oreg., and *dairy products*, from points in Douglas, Coos, and Curry Counties, Oreg., to points in California.

**NOTE:** C. C. Horger, President of applicant, is also owner-operator of common carrier certificate in No. MC 113212, C. C. Horger, doing business as Oregon Freight Lines, with authority to transport general and specified commodities from, to and between specified points in Oregon and Washington.

**HEARING:** October 24, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 11.

No. MC 117469, filed June 23, 1958. Applicant: ROBERT J. MELCHISE-DECK, West 1124 Glass Avenue, Spokane 18, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, between Spokane, Wash., and Coeur d'Alene, Idaho, and points within 25 miles of Coeur d'Alene.

**HEARING:** November 3, 1958, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 169.

No. MC 117473, filed June 23, 1958. Applicant: C. E. ARNDT, 1905 Shelby, Higginsville, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer compounds*, dry, in bulk and in bags, from East St. Louis, Ill., and its commercial zones, as defined by the Commission, to points in

Missouri, and damaged, rejected and returned shipments of the above-specified commodities on return.

NOTE: Applicant states the proposed operations will be year-round with seasonal peaks in spring and fall.

HEARING: October 15, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 117483, filed June 27, 1958. Applicant: AL PLUMLEY, P. O. Box 123, Island City, Oreg. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wood chips, from points in Union and Wallowa Counties, Oreg., to points in Nez Perce County, Idaho, and Walla Walla County, Wash.

HEARING: October 22, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 81.

No. MC 117486, filed June 30, 1958. Applicant: SNOW TRUCKING COMPANY, a Corporation, 288 Riverside Drive, Dedham, Mass. Applicant's representative: Gerard J. Donovan, 11 Beacon Street, Boston 8, Mass. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Chemicals, solvents, vegetable oils, naval stores and empty pails, from Allston, Mass., to Biddeford, South Portland, Portland, Westbrook, Auburn, Winthrop, and Lewiston, Maine, Manchester, Milford, and Portsmouth, N. H., Manchester, Hartford, West Hartford, New Britain, Waterbury, Ansonia, New Haven, West Haven, Middletown, Mystic, New London, Norwich, Norwichtown, and Willimantic, Conn., and Providence, East Providence and Cranston, R. I. Empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application from the above-specified destination points to Allston, Mass.

HEARING: October 10, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner James I. Carr.

No. MC 117486 (Sub No. 1), filed July 2, 1958. Applicant: SNOW TRUCKING COMPANY, a Corporation, 288 Riverside Drive, Dedham, Mass. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Perchloroethylene (chemical), in bulk, in tank vehicles, from Niagara Falls, N. Y., to Boston, Mass.

HEARING: October 14, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner James I. Carr.

No. MC 117488, filed June 30, 1958. Applicant: LOUIE G. PINKLEY, doing business as PINKLEY'S "66" SERVICE, 945 Goodfellow Boulevard, St. Louis, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wrecked, damaged, disabled, or repossessed motor vehicles and trailers, by tow truck or wrecker and replacement vehicles to the point of wreck or disassembly, between points in Missouri, Illinois, and Arkansas.

HEARING: October 15, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 243, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 117519, filed July 15, 1958. Applicant: GLEN TROUT, 1151 Willow, Ottawa, Kans. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Expanded shale aggregate, from Ottawa, Kans., to points in Missouri on and west of a line beginning at the Iowa-Missouri State line at U. S. Highway 63, thence over U. S. Highway 63 to junction with U. S. Highway 66, thence over U. S. Highway 66 to junction with Missouri Highway 5, and thence over Missouri Highway 5 to the Missouri-Arkansas State line; and empty containers or other such incidental facilities used in transporting expanded shale aggregate, on return.

HEARING: October 6, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 117522, filed July 21, 1958. Applicant: HARRY THOMAS BEER, 10745 Sales Road, Tacoma 44, Wash. Applicant's attorney: R. L. Peters, 11024 Pacific Avenue, Tacoma 44, Wash. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New and used house trailers, designed to be drawn by passenger automobiles, between points in Washington, Oregon, and California.

NOTE: Applicant states that occasionally he proposes to pick up house trailers on return movements, and that the above-described commodities will be transported by means of a tow-truck.

HEARING: October 30, 1958, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 5.

No. MC 117523, filed July 16, 1958. Applicant: LESLIE J. WHITTEN, doing business as L. WHITTEN, 706 Mill Street, Kelso, Wash. Applicant's attorney: John M. Hickson, 1225 Failing Building, Portland, Oreg. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Wood shavings (Briquets), also known as Presto-Ligs, between points in Cowlitz County, Wash., and points in Multnomah, Columbia, Hood River, Wasco, Tillamook, Clatsop, and Washington Counties, Oreg.

HEARING: October 22, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 45.

No. MC 117529, filed July 17, 1958. Applicant: MILTON J. HOPKINS, III, doing business as HOPPIE'S SERVICE STATION AND TOWING, Route No. 1, Barnhart, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wrecked, damaged and disabled motor vehicles, in towaway service, by wrecker vehicles, between points in Ar-

kansas, Illinois, Iowa, Kansas, Kentucky, Missouri, and Tennessee.

HEARING: October 22, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Frank R. Saltzman.

No. MC 117531, filed July 21, 1958. Applicant: LOUIS BROOKS AND DAN BROOKS, a Partnership, 60 Grand Avenue, Brooklyn, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Bakery supplies and materials, such as are used in the production and sale of bakery products, and rejected, returned, and damaged shipments of named commodities, between Clifton, N. J., on the one hand, and, on the other, points in Essex and Hudson Counties, N. J., points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N. Y., and New York, N. Y.

NOTE: Applicants state that the operations are to be limited to a transportation service to be performed under a continuing contract or contracts with Globe Products Company, Inc., and/or its affiliates and subsidiaries, Clifton, N. J.

HEARING: October 17, 1958, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 117533, filed July 21, 1958. Applicant: SCHWERMER TRUCKING CO. OF N. Y., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Cement, from the plant sites of the Universal Atlas Cement Division, United States Steel Corporation and the Lone Star Cement Company located in or near Hudson, N. Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

NOTE: Applicant states the proposed operations are to be performed under continuing contracts with the cement companies names.

HEARING: October 3, 1958, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 117545, filed July 24, 1958. Applicant: J. L. STROUD, doing business as J. L. STROUD TRANSPORT, P. O. Box 411, Marion, Ill. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Petroleum and petroleum products, as described in Appendix XIII to report in Descriptions in Motor Carrier Certificates, 61 MCC 209, in bulk, in tank vehicles, from Illinoi, Mo., and points within ten (10) miles thereof, to points in Illinois on and south of U. S. Highway 50.

HEARING: October 16, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 117573, filed August 7, 1958. Applicant: WILLARD I. KNOX doing business as WILLARD I. KNOX PRODUCE, Thayer, Kans. Applicant's attorney: Floyd D. Strong, 214 Insurance Building, 701 Jackson Street, Topeka,

Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed mill feeds*, in bulk, in minimum loads of not less than 20,000 lbs., from Coffeyville and Kansas City, Kans., to points in Missouri, Oklahoma, and Arkansas.

**HEARING:** October 1, 1958, at the Hotel Kansan, Topeka, Kans., before Examiner Frank R. Saltzman.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 107078 (Sub No. 3), filed July 16, 1958. Applicant: SMT (EASTERN) LIMITED, 58 King Street, St. John, New Brunswick, Canada. Applicant's attorney: Francis E. Barrett, 7 Water Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter or pleasure tours, beginning and ending at ports of entry on the international boundary line between the United States and Canada located in Maine and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Michigan, and the District of Columbia.

**NOTE:** Applicant states that the above operations will be restricted to those beginning and ending in the Provinces of New Brunswick and Prince Edward Island, Canada.

**HEARING:** October 8, 1958, at the Federal Building, Portland, Maine, before Examiner James I. Carr.

No. MC 108596 (Sub No. 1), filed July 21, 1958. Applicant: THE BRISTOL TRACTION COMPANY, INC., 17 Riverside Avenue, Bristol, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in all-expense, round-trip, sightseeing or pleasure tours, beginning and ending at Bristol, Conn., and extending to New York, N. Y., and Manchester, Rutland, and Stowe, Vt. Applicant is authorized to conduct operations throughout the United States.

**HEARING:** October 16, 1958, at the U. S. Court Rooms, Hartford, Conn., before Examiner James I. Carr.

No. MC 117521, filed July 16, 1958. Applicant: CHESTER KENDALL BRUSH, 42 High Street, Middlebury, Vt. Applicant's attorneys: Conley, Foote and Underwood, One Court Street, Middlebury, Vt. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at Middlebury, Vt., and points within 20 miles thereof and extending to points in Essex, Warren, Saratoga, Washington, and Albany County, N. Y., those in Grafton and Merrimac Counties, N. H., and those in Berkshire County, Mass.

**HEARING:** October 6, 1958, at Washington County Court House, Montpelier, Vt., before Examiner James I. Carr.

#### APPLICATION FOR BROKERAGE LICENSE

No. MC 12683, filed June 23, 1958. Applicant: GLADYS M. LAWRENCE AND

SUSIE S. MASON, doing business as LAWRENCE & MASON TOURS, West 1417 14th Avenue, Spokane 43, Wash. For a license (BMC 5) authorizing operations as a *broker* at Spokane, Wash., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *Passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, in round-trip special and charter all-expense conducted tours and sightseeing trips, beginning and ending at Spokane, Wash., and extending to points in the United States.

**NOTE:** Applicants propose to procure business by newspaper advertising, direct mail, and by distribution of descriptive brochures to be printed after tours are definitely set up. Applicants state that passengers will pay a stated fee for each tour, which will include the transportation and hotel arrangements.

**HEARING:** October 31, 1958, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 80.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

##### MOTOR CARRIERS OF PROPERTY

No. MC 2043 (Sub No. 7), filed August 14, 1958. Applicant: GEORGE A. CORTIER, doing business as ACE VAN LINES, 28016 U. S. 20, South Bend, Ind. Applicant's representative: Wm. L. Carney, 105 East Jennings Avenue, South Bend, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products and articles distributed by meat-packing houses* as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209 and 766, from South Bend, Ind., to Allegan, Delton, Eaton Rapids, Hastings, Hillsdale, Jackson, Jonesville, Litchfield, Otsego, Plainwell, Parma, and Wayland, Mich. Applicant is authorized to conduct operations in Indiana, Illinois, Michigan, Ohio, Pennsylvania, and West Virginia.

No. MC 66562 (Sub No. 1443), filed August 7, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Dept., Railway Express Agency, Incorporated, 219 East 42d Street, New York 17, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Dowagiac, Mich., and Decatur, Mich., from Dowagiac over Michigan Highway 40 to Decatur, and return over the same route, serving no intermediate points. **RESTRICTIONS:** The service to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt covering, in addition to a movement by said carrier, an immediately prior or immediately subsequent movement by rail or air.

Such further specific conditions as the Commission in the future may find it

necessary to impose in order to restrict said carrier's operations to service which is auxiliary to or supplemental of express service. Applicant is authorized to conduct operations throughout the United States.

**NOTE:** Applicant states interchange with rail express service will be made at Dowagiac, Mich.

No. MC 92983 (Sub No. 309), filed August 18, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, resins, varnishes and ingredients thereof*, in bulk in tank vehicles, from points in the Kansas City, Mo., Commercial Zone as defined by the Commission to points in Illinois, Indiana, and Ohio. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

No. MC 110197 (Sub No. 17), filed August 14, 1958. Applicant: DANIEL S. DRACUP & CO., INC., 42 Chicago Avenue, Celoron, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Driver training devices and accessories* therefor, between Jamestown, N. Y., on the one hand, and, on the other, points in Florida, Georgia, Alabama, South Carolina, North Carolina, Tennessee, Kentucky, Virginia, West Virginia, Massachusetts, Connecticut, and Rhode Island. Applicant is authorized to conduct operations in Alabama, Connecticut, Georgia, Kentucky, Massachusetts, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

No. MC 117102 (Sub No. 1), filed August 11, 1958. Applicant: RICHARD H. FLOWERS, doing business as R. H. FLOWERS TRUCKING COMPANY, Route 4, Box 251, Savannah, Ga. Applicant's representative: P. M. Nixon, II, South Atlantic Traffic Bureau, P. O. Box 1188, Savannah, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated wooden materials*, all kinds, between Port Wentworth, Ga., on the one hand, and, on the other, points in Florida, North Carolina, and South Carolina.

##### MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 151), filed August 12, 1958. Applicant: THE GREYHOUND CORPORATION, 5600 Jarvis Avenue, Chicago, Ill. Applicant's attorney: Barrett Elkins, 2600 Hamilton Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*,

by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, consisting of round-trip tours, beginning and ending at other points on applicant's authorized regular routes, or at points on the routes of connecting motor carrier, between junction Massachusetts Highways 128 and 37 at Braintree, Mass., and junction Massachusetts Highways 128 and 3 at Weymouth, Mass., over Massachusetts Highway 128, serving no intermediate points but serving the termini for the purpose of joinder only with applicant's authorized regular routes or lines of connecting carrier. Applicant is authorized to conduct operations throughout the United States.

No. MC 3647 (Sub No. 241), filed August 14, 1958. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Richard Fryling, General Counsel, Law Department, Public Service Coordinated Transport, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip special operations, during racing seasons, beginning and ending at Hackensack and Englewood, N. J., and extending to Yonkers Raceway, Yonkers, N. Y. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

#### PETITION

#### ORDER PERMITTING INTERVENTION

No. MC 39966 (Sub No. 5), WILLIAM EDWARD LEARY, EXTENSION—WILLIMANTIC, CONN. An order entered under date of August 12, 1958, by the Commission, Division 1, in the subject proceeding, provided, in part, (1) That the Contract Carrier Conference and the Regular Common Carrier Conference of the American Trucking Association, Inc., be permitted to intervene in said proceeding with the right to appear and participate in all further proceedings therein; (2) That the said proceeding be reopened, for further hearing at a time and place to be hereinafter fixed; (3) That the petitions be denied in all other respects.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

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

#### MOTOR CARRIERS OF PROPERTY

No. MC-F 6898 (correction) (E. BROOKE MATLACK, INC.—PURCHASE (PORTION)—AERO MOTOR LINE, INC.), published in the May 21,

1958, issue of the *FEDERAL REGISTER* on page 3480. Operating rights of vendor should have been shown as *contract carrier* in lieu of *common carrier*. Proceeding is assigned for hearing September 29, 1958, at New York, N. Y.

No. MC-F 6978. Authority sought for control and merger by T. I. M. E. INCORPORATED, 2604 Texas Avenue, Lubbock, Tex., of the operating rights and property of POWELL BROS. TRUCK LINES, INC., 1401 West High Street, Springfield, Mo., and for acquisition by A. R. DALBY, also of Lubbock, of control of such rights and property through the transaction. Applicants' attorneys: W. D. Benson, Jr., P. O. Box 1120, Lubbock, Tex., Reagan Sayers, Century Life Building, Fort Worth 2, Tex., and Keith Williams, Woodruff Building, Springfield, Mo. Operating rights sought to be controlled and merged: *General commodities*, as a *common carrier* over regular routes, between Kansas City, Mo., and Harrison, Ark., between Seneca, Mo., and junction U. S. Highway 60 and U. S. Highway 66, near Afton, Okla., between Joplin, Mo., and junction Alternate U. S. Highway 71 and Missouri Highway 14, between Lanagan, Mo., and junction U. S. Highway 71 and Arkansas Highway 12, between Fayetteville, Ark., and Berryville, Ark., between Harrison, Ark., and Gateway, Ark., between Baxter Springs, Kans., and Commerce, Okla., between Harrison, Ark., and Little Rock, Ark., between Kansas City, Mo., and Rogers, Ark., between Clinton, Mo., and Lees Summit, Mo., between St. Louis, Mo., and Tulsa, Okla., between Noel, Mo., and South West City, Mo., and between Joplin, Mo., and Seneca, Mo., serving certain intermediate and off-route points; alternate route for operating convenience only between junction Alternate U. S. Highway 71 and U. S. Highway 166 east of Joplin, Mo., and Springfield, Mo.; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Levy and Palarm, Ark., and Camp Joseph T. Robinson, Ark., serving no intermediate and certain off-route points; alternate route for operating convenience only between Kansas City, Mo., and Tulsa, Okla.; *general commodities*, over irregular routes, between points in the ST. LOUIS, MO., EAST ST. LOUIS, ILL., COMMERCIAL ZONE, as defined by the Commission, and between points in Kansas City, Kans., and Kansas City and North Kansas City, Mo.; *general commodities*, with certain exceptions including household goods and excluding commodities in bulk, between junction U. S. Highway 66 and Missouri Highway 17 and Fort Leonard A. Wood, Mo., and points within four miles of Fort Leonard A. Wood; *Livestock*, from points in Dallas County, Mo., to National Stock Yards, Ill. T. I. M. E. INCORPORATED is authorized to operate as a *common carrier* in California, Georgia, Ohio, Arizona, New Mexico, Texas, Oklahoma, Arkansas, Tennessee, Missouri, Kentucky, Indiana, and Illinois. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6980. Authority sought for purchase by UNION PACIFIC MOTOR

FREIGHT COMPANY, 1416 Dodge Street, Omaha, Nebr., of a portion of the operating rights of UNION PACIFIC RAILROAD COMPANY, 1416 Dodge Street, Omaha, Nebr., and for acquisition by UNION PACIFIC RAILROAD COMPANY, also of Omaha, of control of such rights through the purchase. Applicants' attorney: W. R. Rouse, 1416 Dodge Street, Omaha, Nebr. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over a regular route between Las Vegas, Nev., and Nellis Air Force Base, Nev., serving no intermediate points, and subject to the following restrictions: (1) The service by motor vehicle to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, its rail service; (2) such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operations by motor vehicle to service which is auxiliary to, or supplemental of, its rail service. Vendee is authorized to operate as a *common carrier* in Wyoming, Idaho, Utah, Colorado, Iowa, Nebraska, Kansas, Missouri, Oregon, Nevada, Washington, and California. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6981. Authority sought for control by KENOSHA AUTO TRANSPORT CORPORATION, 4519 78th Street, Kenosha, Wis., of U. S. A. C. TRANSPORT, INC., 457 West Fort Street, Detroit, Mich., and for acquisition by N. DEMOS, also of Kenosha, of control of U. S. A. C. TRANSPORT, INC., through the acquisition by KENOSHA AUTO TRANSPORT CORPORATION. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW, Washington 6, D. C. Operating rights sought to be controlled: *Grounded and disabled airplanes and uncrated airplane parts*, as a *common carrier* over irregular routes, between points in that part of the United States east of a line beginning at the mouth of the Mississippi River and extending along that river to its source near Grand Rapids, Minn., thence along a line extending in a northerly direction to the boundary of the United States and Canada at Pelland, Minn. (RESTRICTION: Traffic in grounded and disabled airplanes is restricted to movements from the points at which such planes are located, and that in uncrated airplane parts is restricted to movements to such points); *such commodities* as contractors' equipment, heavy and bulky articles, machinery and machine parts, and articles requiring specialized handling or rigging, between points in North Carolina, Virginia, West Virginia, Delaware, Maryland, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Ohio, Illinois, Indiana, and the District of Columbia; *airplanes and airplane parts*, between Nashville, Tenn., and Hagerstown, Md.; *aircraft*, fully assembled or partially dismantled, and *component parts*, of any partially dismantled unit of aircraft moving in connection therewith, *aircraft parts*, crated or uncrated, restricted to parts requiring special equipment or handling by reason of size, weight, or

fragile character, and *special facilities and empty containers* used by said carrier in the transportation of the above-described aircraft and aircraft parts, between points in that part of the United States east of a line beginning at the mouth of the Mississippi River and extending along that river to its source near Grand Rapids, Minn., thence along a line extending in a northerly direction to the boundary of the United States and Canada at Pelland, Minn., between the points described above, on the one hand, and, on the other, points in that part of the United States west of the above-described line; *aircraft assembled or dismantled, and component parts* of any partially dismantled unit of aircraft moving in connection therewith, *aircraft parts, crated or uncrated, restricted to parts requiring special equipment or handling by reason of size, weight, or fragile character, for aircraft or component parts thereof which have had a prior movement, and special facilities and empty containers* used by said carrier in the transportation of the above-described aircraft and aircraft parts, between points in Robertson Township, St. Louis County, Mo., on the one hand, and, on the other, Muroc Air Force Base, Calif.; *general commodities*, except new passenger automobiles, commodities moving in tank vehicles, and Class A and B explosives, between points in Utah, Oklahoma, Texas, Kansas, California, Pennsylvania, Georgia, New York, Tennessee, Florida, Virginia, South Dakota, Montana, Colorado, Alabama, and Illinois, on the one hand, and, on the other, ports of entry on the Pacific Coast and those on the United States-Canada Boundary line, restricted to traffic moving to or from the territory of Alaska. KENOSHA AUTO TRANSPORT CORPORATION is authorized to operate as a *common carrier* in all States in the United States and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6982. Authority sought for purchase by HENNEPIN TRANSPORTATION CO., INC., 23 Northeast Fourth Street, Minneapolis 13, Minn., of the operating rights and property of OLIGNEY MOTOR EXPRESS COMPANY, South 11th Street, P. O. Box 221, Hudson, Wis., and for acquisition by SAMUEL SHAPIRO, also of Minneapolis, of control of such rights and property through the purchase. Applicants' attorney: Robins, Davis & Lyons, 1200 Rand Tower, Minneapolis 2, Minn. Operating rights sought to be transferred: Operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act in the transportation of *property*, as a *common carrier* between specified points in the State of Wisconsin as more fully described in Second Proviso filing assigned Docket No. MC 99140. Vendee is authorized to operate as a *common carrier* in Minnesota, Illinois, and Wisconsin. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6983. Authority sought for purchase by GATEWAY TRANSPORTATION CO., 2130-2150 South Avenue, La

Crosse, Wis., of a portion of the operating rights and property of TRUCK TRANSPORT COMPANY, 3601 Wyoming Avenue, Dearborn, Mich., and for acquisition by W. LEO MURPHY, EUGENE W. MURPHY, JOHN A. MURPHY and MICHAEL P. MURPHY, all of La Crosse, of control of such rights and property through the purchase. Applicants' attorneys: Drew L. Carraway, Suite 618 Perpetual Building, Washington 4, D. C., and Robert A. Sullivan, 2606 Guardian Building, Detroit 26 Mich. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes including routes between Pontiac, Mich., and Cincinnati, Ohio, between Piqua, Ohio, and Muncie, Ind., between Wapakoneta, Ohio, and Indianapolis, Ind., between specified points in Ohio, between specified points in Indiana, between specified points in Michigan, between Detroit, Mich., and Waukegan, Ill., between Detroit, Mich., and Niagara Falls, N. Y., between Flint, Mich., and Toledo, Ohio, and between Nappanee, Ind., and Sandusky, Ohio, serving certain intermediate and off-route points; several alternate routes for operating convenience only; *empty equipment*, between Middlefork, Ind., and Lafayette, Ind., between Liberty, Ind., and Cincinnati, Ohio, between Cincinnati, Ohio, and Rushville, Ind., between Rushville, Ind., and Indianapolis, Ind., between Columbus, Ohio, and Cincinnati, Ohio, between Columbus, Ohio, and Springfield, Ohio, between Sidney, Ohio, and Marion, Ohio, and between Kokomo, Ind., and Middlefork, Ind., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, and Ohio. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6984. Authority sought for control by EARL BRAY, INC., Linnwood and North Streets, Post Office Box 910, Cushing, Okla., of WRIGHT MOTOR LINES, INC., 16th and Elm, Rocky Ford, Colo., and for acquisition by SAM E. CARPENTER and CLARA E. BRAY (as co-executors of EARL BRAY ESTATE), FRANK E. COCHRAN and MARY E. COCHRAN, all of Cushing, of control of WRIGHT MOTOR LINES, INC., through the acquisition by EARL BRAY, INC. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Operating rights sought to be controlled: *Petroleum products*, as a *common carrier* over regular routes, from El Dorado, Kans., to Denver, Colo., and from McPherson, Kans., to Denver, Colo., serving certain intermediate and off-route points; *petroleum products*, in bulk, in tank vehicles, from specified points in Kansas to specified points in Colorado, and from Ponca City and Enid, Okla., to specified points in Colorado, serving certain intermediate and off-route points; *liquid petroleum products*, in tank truck loads, from El Dorado, Kans., to Canon City and Falcon, Colo., serving certain intermediate points; *lubricating oil*, in

containers, in truckloads, *petroleum products*, salt, mineral feed blocks, lumber, sugar, cottonseed cake, farm products, fertilizer, in bags, beans, onions, in truckloads, *honey*, rice, in truckloads, *canned goods*, pickles, in containers, *excelsior padding*, building blocks, *ammonium nitrate fertilizer compound*, *glass containers*, *frozen grape juice*, returned used *empty containers* for *petroleum products*, over irregular routes, from, to or between points and areas, varying with the commodity transported, in Oklahoma, Colorado, Kansas, South Dakota, Nebraska, Wyoming, Utah, Idaho, Texas, Arkansas, Missouri, New Mexico, Louisiana, Nevada, Montana, Tennessee, and Iowa. EARL BRAY, INC., is authorized to operate as a *common carrier* in Kansas, Texas, Oklahoma, Missouri, Arkansas, Illinois, Iowa, Mississippi, Nebraska, Indiana, Louisiana, Kentucky, and Tennessee. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6986. Authority sought for control and merger by SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott, Chicago 8, Ill., of the operating rights and property of GREAT AMERICAN TRANSPORT, INC., 347 23d Street, Detroit 16, Mich., and for acquisition by W. STANHAUS and SIMON FISHER, both of Chicago, of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill., and Maurice P. Golden, 33 North La Salle Street, Chicago, Ill. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, including routes between Joliet, Ill., and Hammond, Ind., between Fort Wayne, Ind., and Toledo, Ohio, between Chicago, Ill., and Detroit, Mich., between Gary, Ind., and Port Huron, Mich., between Toledo, Ohio, and Bay City, Mich., between Pekin, Ill., and Kentland, Ind., between Van Wert, Ohio, and Somerset, Mich., between specified points in Michigan, and between specified points in Illinois, serving certain intermediate and off-route points; three alternate routes for operating convenience only; *road machine parts*, from Wayne, Mich., to Mattoon, Ill., serving certain intermediate and off-route points; *road machine parts*, *road machines*, and *empty steel stock boxes*, from Mattoon, Ill., to Wayne, Mich., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between Chicago, Ill., on the one hand, and, on the other, points in the Chicago, Ill., Commercial Zone, as defined by the Commission, and between Detroit, Mich., on the one hand, and, on the other, points in Michigan within ten miles of Detroit. SPECTOR FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in Ohio, Missouri, Massachusetts, Pennsylvania, Maryland, Connecticut, New York, Indiana, Illinois, Minnesota, Wisconsin, New Jersey, Kansas, Rhode Island, Iowa, Nebraska, and the District of Columbia. Application

has been filed for temporary authority under section 210a (b).

No. MC-F 6987. Authority sought for control and merger by CONSOLIDATED FREIGHTWAYS, INC., 431 Burgess Drive, Menlo Park, Calif., of the operating rights and property of J. A. CLARK DRAYING COMPANY, LTD., 100 Howard Street, San Francisco, Calif. Applicants' attorneys: Wyman C. Knapp, 727 West Seventh Street, Los Angeles 17, Calif., and E. T. Lippert, 431 Burgess Drive, Menlo Park, Calif. Operating rights sought to be controlled and merged: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment other than those requiring special handling because of weight or bulk, and those injurious or contaminating to other lading, as a *common carrier* over irregular routes, between points in the Los Angeles Harbor Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points within 30 miles of the intersection of First and Main Streets, Los Angeles, Calif., between points in the Los Angeles Commercial Zone, as defined by the Commission, and between points in San Francisco County, Calif.; operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act covering the transportation of *general commodities*, with certain exceptions as more specifically described in Dockets Nos. MC 8865 Sub 2 and MC 8865 Sub 3, as a *common carrier* over irregular routes between certain points in California. CONSOLIDATED FREIGHTWAYS, INC., is authorized to operate as a *common carrier* in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Utah, Washington, West Virginia, Wisconsin, and Wyoming. Application has been filed for temporary authority under section 210a (b).

NOTE: Application will be published in the *FEDERAL REGISTER* at a later date as a matter directly related.

#### MOTOR CARRIERS OF PASSENGERS

No. MC-F 6985. Authority sought for lease by SOMERSET BUS CO., INC., 1062 U. S. Highway 22, Mountainside, N. J., of the operating rights and property of THE GREEN FLYER, INC., doing business as GREEN FLYER, 1062 U. S. Highway 22, Hillside, N. J., for a period expiring June 30, 1962, and for acquisition by FRANK J. NOLL and MAE A. NOLL, both of 138 De Lacey Avenue, North Plainfield, N. J., ISIDOR M. NOLL and TERESA M. NOLL, both of 262 Hillside Avenue, Springfield, N. J., of control of such rights and property through the transaction. Applicants' attorney: Wilmer A. Hill, Transportation Building, Washington 6, D. C. Operating rights sought to be leased: *Passengers and their baggage*, as a *common carrier* over a regular route, between Fanwood, N. J., and New York, N. Y., serving certain intermediate points; two alternate regular routes for

operating convenience only. SOMERSET BUS CO., INC., is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, Maryland, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b). In No. MC-F 6637 (SOMERSET BUS CO., INC.—CONTROL AND MERGER—THE GREEN FLYER, INC.), decided February 20, 1958, the acquisition by SOMERSET BUS CO., INC., of control of THE GREEN FLYER, INC., through purchase of capital stock, merger of the operating rights and property of the latter into the former for ownership, management, and operation, and acquisition by the four individuals named above of control of the operating rights and property through the control and merger, were conditionally approved and authorized. Temporary authority granted under section 210a (b), as extended, is outstanding in No. MC-F 6637 for a period expiring with consummation of the merger, or October 1, 1958, whichever occurs first.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F. R. Doc. 58-6927: Filed, Aug. 26, 1958;  
8:53 a. m.]

#### FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 22, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40), and filed within 15 days from the date of publication of this notice in the *FEDERAL REGISTER*.

#### LONG-AND-SHORT HAUL

FSA No. 34911: *Joint motor-rail rates—Cotton and linters from Carryville and Piggott, Ark.* Filed by Southwestern Freight Bureau, Agent (No. B-7360), for interested carriers. Rates on cotton and cotton linters, in bales, carloads from Carryville and Piggott, Ark., on the Frisco Transportation Company to points on rail lines in southwestern, southern, western trunk line, and official territories, also points in Canada in New Brunswick, Nova Scotia, Ontario, and Quebec.

Grounds for relief: Abandonment of a portion of the line of the St. Louis-San Francisco Railway Company under Finance Docket No. 20155.

Tariff: Supplement 29 to Southwestern Freight Bureau tariff I. C. C. 4268.

FSA No. 34912: *Liquefied petroleum gas—Southwestern points to Ohio and Maryland points.* Filed by Southwestern Freight Bureau, Agent (No. B-7359), for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from specified points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas to Batavia, Cincinnati, Lebanon, Loveland, Ohio, and Hagerstown and Hancock, Md.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 169 to Southwestern Freight Bureau tariff I. C. C.

4118. Supplement 155 to Southwestern Freight Bureau tariff I. C. C. 4150.

FSA No. 34913: *Cement—Arkansas, Ark., to southwestern points.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7342), for interested rail carriers. Rates on cement, hydraulic, natural or portland, tile grout, masonry or mortar cement, concrete mixture, as described, and dry building mortar, straight or mixed carloads from Arkco, Ark., to destinations in Arkansas, Louisiana (west of the Mississippi River), southern Missouri, Oklahoma, and Texas.

Grounds for relief: Short-line distance formula, market competition with Okay Jct., Ark.

Tariff: Supplement 110 to Southwestern Freight Bureau, I. C. C. 3934.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F. R. Doc. 58-6927: Filed, Aug. 26, 1958;  
8:52 a. m.]

[Notice 19]

#### MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 22, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 60920. By order of August 21, 1958, the Transfer Board approved the transfer to Leon Dale Ver Steeg, Sioux Center, Iowa, of certificate No. MC 1285, issued March 6, 1942, to William H. Boone, Sioux Center, Iowa, authorizing the transportation of: Livestock, grain, hay, and emigrant moveables, over irregular routes, between Sioux Center, Iowa, and points within 25 miles of Sioux Center, on the one hand, and, on the other, points in Minnesota, South Dakota, and Nebraska within 100 miles of Sioux Center, and agricultural implements and livestock feeds, over irregular routes, from Sioux Falls, S. Dak., to Sioux Center, Iowa, and points within 25 miles of Sioux Center. Maurice A. Te Paske, 20 Third Street NE, Sioux Center, Iowa, for applicants.

No. MC-FC 61395. By order of August 21, 1958, the Transfer Board approved the transfer to William M. Caburis dba Beckman Moving & Storage Co., New York, N. Y., of certificate No. MC 73178, issued October 14, 1949, to Arthur John Murphy dba Town and Country Movers and A. J. Murphy Trucking, New York, N. Y., authorizing the transportation of household goods as de-

fined by the Commission, over irregular routes, between New York, N. Y., on the one hand, and, on the other, points in Massachusetts, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, and the District of Columbia, traversing Maryland for operating convenience only. David Brodsky, 1776 Broadway, New York 19, N. Y., for applicants.

No. MC-FC 61445. By order of August 20, 1958, the Transfer Board approved the transfer to Wallack Freight Lines, Inc., Bellmore, New York, of certificate in No. MC 73352, issued June 1, 1944, to Vera Alfisy, Grant City, Staten Island, New York, authorizing the transportation of general commodities, excluding household goods and other specified commodities, over irregular routes, between points in New York, N. Y., Commercial Zone, as defined by the Commission; and between New York, N. Y., on the one hand, and, on the other, Elizabeth, Irvington, Newark, and Harrison, N. J. Edward M. Alfano, 36 West 44th Street, New York 36, New York.

No. MC-FC 61452. By order of August 20, 1958, the Transfer Board approved the transfer to John J. Brady, Jr., and William F. Brady, a partnership, doing business as John J. Brady and Sons, Beverly Farms, Massachusetts, of certificates in Nos. MC 90274 and MC 90274 Sub 1, issued August 28, 1950, and

January 15, 1952, the record holder of which is John J. Brady (William F. Brady and Frank H. Brady, Administrators), John J. Brady, Jr., and William F. Brady, a partnership, doing business as J. J. Brady & Sons, Beverly Farms, Massachusetts, authorizing the transportation of horses, dogs, and personal belongings of owners and jockeys in the same vehicle with animals, and horses (other than ordinary livestock) and equipment and paraphernalia, incidental to such transportation, over irregular routes, between points in New Hampshire, Massachusetts, Vermont, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, Tennessee, South Carolina, Florida, Louisiana, Pennsylvania, and the District of Columbia. Thomas F. Fitzgibbon, 81 Washington Street, Salem, Massachusetts.

No. MC-FC 61457. By order of August 20, 1958, the Transfer Board approved the transfer to Elsifor Moving and Storage Co., Inc., Columbus, Ohio, of Certificate No. MC 10029, issued February 22, 1943, to Elsifor Moving and Storage Company, a Corporation, Ann Arbor, Mich., authorizing the transportation of Household goods, as defined by the Commission, over irregular routes, between Ann Arbor, Mich., and points in Michigan within 70 miles of Ann

Arbor, on the one hand, and, on the other, points in Illinois, the District of Columbia, Indiana, Michigan, New York, Ohio, Pennsylvania, Wisconsin, and those in Virginia and Maryland within 50 miles of Washington, D. C., traversing West Virginia and New Jersey for operating convenience only. Mann, Lipnik & Darrow, 315 Ann Arbor Trust Building, Ann Arbor, Mich., for applicants.

No. MC-FC 61478. By order of August 21, 1958, the Transfer Board approved the transfer to Hubert A. Libby dba Pine State Charter Service, Sebago Lake, Maine, of Certificate No. MC 96112, issued June 17, 1949, to Burnham Bros., Inc., Naples, Maine, authorizing the transportation of Passengers, in charter service, restricted to traffic originating at the points indicated, over irregular routes, from North Bridgeton, Me., to points in Connecticut, Rhode Island, Massachusetts, and New Hampshire, and return; and from Bridgeton Center, Me., to points in New Hampshire, and return. Hubert A. Libby, R. F. D. No. 2, Sebago Lake, Maine, Transferee; Chester L. Burnham, President, Burnham Bros., Inc., Naples, Maine, Transferor.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F. R. Doc. 58-6929; Filed, Aug. 26, 1958;  
8:53 a. m.]

## TITLE 2—THE CONGRESS ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President subsequent to adjournment will appear in the daily *FEDERAL REGISTER* under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 85th Congress, Second Session.

### Acts Approved August 25, 1958

S. 807. Public Law 85-745 An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes.

S. 3330. Public Law 85-748 An Act to facilitate the insurance of loans under title I of the Bankhead-Jones Farm Tenant Act, as amended, and the Act of August 28, 1937, as amended (relating to the conservation of water resources), and for other purposes.

S. 3986. Public Law 85-746 An Act to authorize the Secretary of the Interior to enter into an agreement for relocating portions of the Natchez Trace Parkway, Mississippi, and for other purposes.

H. J. Res. 424. Public Law 85-752 Joint Resolution to improve the administration of justice by authorizing the

Judicial Conference of the United States to establish institutes and joint councils on sentencing, to provide additional methods of sentencing, and for other purposes.

H. R. 4142. Public Law 85-757 An Act to amend the Act creating the City of Clinton Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, and at or near Fulton, Illinois, in order to make certain changes in the authority of such commission, and for other purposes.

H. R. 6382. Public Law 85-747 An Act to subject naval ship construction to the Act of June 30, 1936 (49 Stat. 2036), as amended.

H. R. 7866. Public Law 85-755 An Act to amend title 28, United States Code, relating to the Court of Customs and Patent Appeals.

H. R. 8002. Public Law 85-759 An Act to provide for improved methods of stating budget estimates and estimates for deficiency and supplemental appropriations.

H. R. 9627. Public Law 85-753 An Act to authorize the Secretary of the Interior to convey certain lands in Alaska to the city of Ketchikan, Alaska.

H. R. 9673. Public Law 85-754 An Act to restore retired pay to those retired officers of the Armed Forces dropped from the rolls after December 31, 1954, and before the date of enactment of this Act, and for other purposes.

H. R. 9740. Public Law 85-758 An Act to convey certain land to the Makah Tribe of Indians.

H. R. 10173. Public Law 85-756 An Act to provide for the transfer of title to certain land at Sand Island, Territory of Hawaii, to the Territory of Hawaii, and for other purposes.

H. R. 11133. Public Law 85-749 An Act to amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the continental United States and Alaska, and for other purposes.

H. R. 12967. Public Law 85-750 An Act to amend the Fair Labor Standards Act of 1938 with respect to the frequency of review of minimum wage rates established for Puerto Rico and the Virgin Islands.

H. R. 13404. Public Law 85-751 An Act to amend section 404 (c) (1) of the Postal Field Service Compensation Act of 1955 to grant longevity credit for service performed in the Panama Canal Zone postal service.

### Acts Approved August 26, 1958

H. R. 8868. Public Law 85-760 An Act to remove the present \$1,000 limitation which prevents the settlement of certain claims arising out of the crash of an aircraft belonging to the United States at Worcester, Massachusetts, on July 18, 1957.

