

# FEDERAL REGISTER

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# Presidential Documents

## Title 3—THE PRESIDENT

Letter of November 16, 1960

### TERMINATION OF SUSPENSION OF CERTAIN IMPORTS FROM POLAND AND AREAS UNDER PROVISIONAL ADMINISTRATION OF POLAND<sup>1</sup>

THE WHITE HOUSE,  
Washington, November 16, 1960.

DEAR MR. SECRETARY:

I refer you to Part I of Proclamation No. 2935 of August 1, 1951<sup>1</sup> carrying out sections 5 and 11 of the Trade Agreements Extension Act of 1951<sup>2</sup> and to the first paragraph of the President's letter of January 17, 1953 to the Secretary of the Treasury.<sup>3</sup>

I hereby notify you that the suspension there provided shall cease to be applicable to imports from Poland and areas under the provisional administration of Poland which are entered, or withdrawn from warehouse, for consumption on and after December 16, 1960.

Sincerely,

DWIGHT D. EISENHOWER

THE HONORABLE ROBERT B. ANDERSON,  
*The Secretary of the Treasury.*

[F.R. Doc. 60-11418; Filed, Dec. 6, 1960;  
10:00 a.m.]

<sup>1</sup> 65 Stat. C25; 19 U.S.C. p. 3595; 3 CFR, 1949-1953 Comp., p. 121.

<sup>2</sup> 65 Stat. 73, 75; 19 U.S.C. 1362, 1367.

<sup>3</sup> 18 F.R. 593; 3 CFR, 1949-1953 Comp., p. 1051.

# Rules and Regulations

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 7988 c.o.]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Carl W. Herrmann, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*; § 13.1108-45 *Fur Products Labeling Act*. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements*: § 13.1212-30 *Fur Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*: § 13.1845-30 *Fur Products Labeling Act*; § 13.1852 *Formal regulatory and statutory requirements*: § 13.1852-35 *Fur Products Labeling Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Carl W. Herrmann, Inc., et al., Pittsburgh, Pa., Docket 7988, October 4, 1960]

*In the Matter of Carl W. Herrmann, Inc., a Corporation, and Carl W. Herrmann, Jr., and Carl W. Herrmann, III, Individually and as Officers of Said Corporation*

Consent order requiring a Pittsburgh furrier to cease violating the Fur Products Labeling Act by failing to set forth the terms "Persian Lamb" and "Dyed Broadtail Processed Lamb" where required on labels and invoices, and by failing to comply in other respects with regulations under the Act.

The order to cease and desist is as follows:

*It is ordered*, That Carl W. Herrmann, Inc., a corporation, and its officers, and Carl W. Herrmann, Jr. and Carl W. Herrmann, III, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be

disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Failing to set forth the term "Persian Lamb" where an election is made to use that term instead of Lamb.

C. Failing to set forth the term Dyed Broadtail processed Lamb where an election is made to use that term instead of Dyed Lamb.

D. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder:

(1) In abbreviated form;

(2) In handwriting.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Failing to set forth the term Persian Lamb where an election is made to use that term instead of Lamb.

D. Failing to set forth the term Dyed Broadtail processed Lamb where an election is made to use that term instead of Dyed Lamb.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 4, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 60-11336; Filed, Dec. 6, 1960;  
8:46 a.m.]

[Docket 7715 c.o.]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Ipswich Hosiery Co., Inc.

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Ipswich Hosiery Company, Inc., Manchester, N.H., Docket 7715, October 12, 1960]

Consent order requiring a distributor of women's hosiery in Manchester, N.H., to cease violating Sec. 2(d) of the Clayton Act by paying certain of its jobber customers for advertising but not their competitors, such as payments of \$450, \$500, and \$900 made in the years 1957, 1958, and 1959 to one Houston, Tex., purchaser.

The order to cease and desist is as follows:

*It is ordered*, That Ipswich Hosiery Company, Inc., a corporation, its officers, employees, agents or representatives, directly or through any corporate or other device, in or in connection with the sale in commerce, as "commerce" is defined in the Clayton Act, as amended, of hosiery products, do forthwith cease and desist from:

Making or contracting to make, to or for the benefit of J. Weingarten, Inc., or any other customer, any payment of anything of value as compensation or in consideration for advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of the respondent's hosiery products, unless such payment is made available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: October 12, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 60-11335; Filed, Dec. 6, 1960;  
8:46 a.m.]

## Title 41—PUBLIC CONTRACTS

### Chapter 3—Department of Health, Education, and Welfare

#### PART 3-75—DELEGATIONS OF AUTHORITY

##### Subpart B—Delegates and Specific Limitations

###### BUREAU OF MEDICAL SERVICES

Section 3-75.6-1 is revised to read as follows:

§ 3-75.6-1 Bureau of Medical Services.

Pursuant to authority vested in the Chief, Division of Administrative Serv-

ices, the officials occupying the following positions in the Area Offices of the Division of Indian Health, Bureau of Medical Services, are authorized to negotiate and award contracts for architectural and engineering services for bridges, roads, sidewalks, sewers, mains, or other similar items, regardless of construction costs, and for any public building or public improvement when the construction cost is estimated to be less than \$200,000; and to advertise and award contracts for construction of Indian health sanitation facilities pursuant to Public Law 86-121; and to advertise and award contracts for construction of Indian health facilities (other than contracts for construction of Indian health sanitation facilities pursuant to Public Law 86-121) when the construction cost is less than \$200,000:

Medical Officer in Charge.  
Deputy and/or Assistant Medical Officer in Charge.  
Executive or Administrative Officer.  
General Services Officer.

(41 CFR 3-75.6(d))

PAUL A. CAULK,  
Executive Officer,  
Public Health Service.

[F.R. Doc. 60-11359; Filed, Dec. 6, 1960;  
8:50 a.m.]

## Title 7—AGRICULTURE

### Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

#### PART 730—RICE

##### Subpart—1961-62 Marketing Year

##### STATE AND COUNTY RESERVE ACREAGES AND COUNTY ACREAGE ALLOTMENTS FOR 1961 CROP

Sec.

730.1205 Basis and purpose.  
730.1206 State reserve acreages.  
730.1207 County acreage allotments and county reserve acreages.

AUTHORITY: §§ 730.1205 to 730.1207 issued under secs. 301, 353, 375, 52 Stat. 38, 61, as amended, 66; 7 U.S.C. 1301, 1353, 1375.

##### § 730.1205 Basis and purpose.

(a) The State and county reserve acreages and county acreage allotments for 1961 crop rice contained in §§ 730.1206 and 730.1207 have been determined pursuant to and in conformity with the provisions of section 353 of the Agricultural Adjustment Act of 1938, as amended. Said sections are issued to announce: (1) State reserve acreage for new farms or new producers in each of the applicable rice-producing States; (2) State reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the producer States of Arizona, California, Florida, North Carolina, Tennessee, Texas, and the "producer administrative area" in Louisiana; and (3) county acreage allotments and county reserve

acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the farm States of Arkansas, Illinois, Mississippi, Missouri, Oklahoma, South Carolina, and the "farm administrative area" in Louisiana. Since farm acreage allotments for 1961 crop rice in the producer States, including the "producer administrative area" of Louisiana, will be established pursuant to the act primarily on the basis of past production of rice by the producer on the farm in lieu of past production of rice on the farm, the 1961 State acreage allotments of rice for those States will be apportioned directly to farms, and county acreage allotments and county reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments will not be determined for such States.

(b) The determinations made in §§ 730.1206 and 730.1207 have been made on the basis of the latest available statistics of the Federal Government. The determinations made in §§ 730.1206 and 730.1207 indicate the amount of State reserve acreages for new farms or new producers in each of the applicable rice-producing States, the amount of State reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the "producer States"; and the amount of county acreage allotments and county reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the "farm States".

(c) The State and county reserve acreages in §§ 730.1206 and 730.1207 were established on the basis of the needs therefor as recommended by the State and county committees.

(d) The county acreage allotments in § 730.1207 were established by apportioning the State acreage allotment, minus the State acreage reserve for new farms, among the counties in the State in the same proportion that they shared in the total acreage allotted in 1956, as provided by section 353(c) (1) and section 353(c) (6) of the Agricultural Adjustment Act of 1938, as amended. No adjustments in county acreage allotments were made under the proviso in section 353(c) (1) of the act.

(e) Prior to the determination of State and county reserve acreages and county acreage allotments for 1961 crop rice, public notice (25 F.R. 9059) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). No data, views, or recommendations pertaining to the determination of the State and county reserve acreages and county acreage allotments for 1961 crop rice were submitted pursuant to such notice.

(f) The determinations made in § 730.1207 were on the basis of the latest available statistics of the Federal Government as required by section 301(c) of the Agricultural Adjustment Act of 1938, as amended.

(g) Pursuant to the Agricultural Adjustment Act of 1938, as amended, marketing quotas on the 1961 crop of rice have been proclaimed (25 F.R. 11062)

and the date for the referendum to be held to determine whether farmers are in favor of or opposed to such quotas has been set for December 13, 1960 (25 F.R. 11086). The act requires that, insofar as practicable, notices of farm acreage allotments, which are based on State and county allotments and reserves, be mailed to producers in time to be received prior to the referendum. Since the referendum will be held on December 13, 1960, it is necessary to waive the 30-day effective date provision of the Administrative Procedure Act as applied to the determinations herein. Accordingly, this document shall become effective upon publication in the FEDERAL REGISTER.

##### § 730.1206 State reserve acreages.

State	State reserve acreage for new farms or new producers	State reserve acreages for appeals, etc. <sup>1</sup> in producer States
Arizona.....	0	0
Arkansas.....	20	
California.....	700	1,300
Florida.....	21	0
Illinois.....	0	
Louisiana:		
Farm administrative area.....	50	
Producer administrative area.....	5	0
Mississippi.....	0	
Missouri.....	0	
North Carolina.....	0	0
Oklahoma.....	0	
South Carolina.....	15	
Tennessee.....	0	0
Texas.....	0	50

<sup>1</sup> For appeals and corrections, missed producers, and adjustments in factored allotments in producer States and the "producer administrative area" in Louisiana.

##### § 730.1207 County acreage allotments and county reserve acreages.

###### ARKANSAS

County	County acreage allotment	County reserve acreage <sup>1</sup>
Arkansas.....	69,483	10.0
Ashley.....	5,968	3.0
Chicot.....	8,908	4.0
Clark.....	507	0
Clay.....	7,071	5.0
Conway.....	10	0
Craighead.....	15,872	11.0
Crittenden.....	5,864	3.0
Cross.....	33,115	3.0
Dallas.....	65	0
Desha.....	12,808	0.6
Drew.....	4,282	2.0
Faulkner.....	420	0
Grant.....	31	0
Greene.....	5,102	2.0
Hot Spring.....	433	0
Independence.....	790	5.0
Jackson.....	18,334	3.0
Jefferson.....	15,812	0
Lafayette.....	802	1.0
Lawrence.....	7,714	2.0
Lee.....	7,793	9.0
Lincoln.....	8,579	0
Little River.....	373	0
Lonoke.....	35,690	2.8
Miller.....	686	0
Mississippi.....	1,402	1.0
Monroe.....	13,353	3.0
Perry.....	909	0.1
Phillips.....	4,704	2.4
Poinsett.....	35,024	8.0
Prairie.....	36,723	2.0
Pulaski.....	1,721	2.0
Randolph.....	2,063	0
St. Francis.....	16,984	5.0
White.....	1,050	2.0
Woodruff.....	18,543	11.2
State total.....	398,983	103.1

<sup>1</sup> County reserve acreage for appeals and corrections, missed farms, and adjustments.

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

[Orange Reg. 381]

**PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA**

**Limitation of Shipments**

**§ 933.1039 Orange Regulation 381.**

(a) *Findings.* (1) Pursuant to the marketing agreement as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, and Temple oranges are subject to grade regulation, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 29, 1960; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information concerning such provisions has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order

shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1178) of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., December 7, 1960, and ending at 12:01 a.m., e.s.t., January 2, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any Temple oranges, grown in the production area, which are of a size smaller than 2 5/16 inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

(3) Shipments of Temple oranges, grown in the production area, are, until 12:01 a.m., e.s.t., January 2, 1961, subject to the grade limitations specified in Orange Regulation 380 (§ 933.1035).

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

Dated: December 5, 1960.

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

[F.R. Doc. 60-11414; Filed, Dec. 6, 1960;  
8:52 a.m.]

**HANDLING OF MILK IN CERTAIN  
MARKETING AREAS**

**Determination of Equivalent Prices for  
Grade AA (93-Score) and Grade A  
(92-Score) Butter at Chicago**

- Part
- 903 St. Louis, Mo.
- 905 Mississippi Delta.
- 906 Oklahoma Metropolitan.
- 907 Milwaukee, Wis.
- 908 Central Arkansas.
- 911 Texas Panhandle.
- 912 Dubuque, Iowa.
- 913 Greater Kansas City.
- 916 Upstate Michigan.
- 917 Black Hills, S. Dak.
- 918 Memphis, Tenn.
- 919 Southwest Kansas.
- 921 Ozarks.
- 923 Appalachian.
- 924 Southern Michigan.
- 925 Puget Sound, Wash.
- 928 Neosho Valley.
- 929 Eastern South Dakota.
- 930 Toledo, Ohio.
- 931 Cedar Rapids-Iowa City.
- 932 Fort Wayne, Ind.
- 935 Omaha-Lincoln-Council Bluffs.
- 941 Chicago, Ill.
- 942 New Orleans, La.
- 943 North Texas.
- 944 Quad Cities.

ILLINOIS

County	County acreage allotment	County reserve acreage <sup>1</sup>
Adams.....	20	0

LOUISIANA, FARM ADMINISTRATIVE AREA

Acadia.....	85,189	121.9
Allen.....	22,031	15.0
Avoyelles.....	2,536	126.8
Beauregard.....	4,561	0
Bossier.....	60	0
Calcasieu.....	60,190	60.0
Cameron.....	12,339	0
Evangeline.....	40,941	4.0
Grant.....	168	0
Iberia.....	5,751	15.0
Jefferson Davis.....	88,172	93.0
Lafayette.....	8,612	52.5
Rapides.....	522	0
St. Landry.....	15,584	140.7
St. Martin.....	3,766	0
St. Mary.....	2,912	0
Vermilion.....	104,673	42.1
Farm administrative area total.....	458,007	671.0

MISSISSIPPI

Bolivar.....	19,542	0
Coahoma.....	1,514	0
De Soto.....	1,353	0
Hancock.....	167	0
Humphreys.....	1,943	96
Issaquena.....	96	0
Leflore.....	3,524	0
Panola.....	72	0
Quitman.....	1,281	0
Sharkey.....	913	0
Sumner.....	3,961	0
Tallahatchie.....	464	0
Tate.....	109	0
Tunica.....	2,919	0
Washington.....	8,816	0
State total.....	46,674	96

MISSOURI

Butler.....	1,436	0
Dunklin.....	47	0
Holt.....	2	0
Lewis.....	8	0
Lincoln.....	34	0
Marion.....	308	0
Mississippi.....	87	0
New Madrid.....	202	0
Pemiscot.....	547	0
Ripley.....	469	0
St. Charles.....	35	0
Scott.....	242	0
Stoddard.....	1,350	0
State total.....	4,767	0

OKLAHOMA

McCurtain.....	149	0
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SOUTH CAROLINA

Berkeley.....	144	0
Charleston.....	470	0
Colleton.....	709	0
Georgetown.....	40	0
Horry.....	208	0
Jasper.....	1,260	0
State total.....	2,831	0

<sup>1</sup> County reserve acreage for appeals and corrections, missed farms, and adjustments.

Issued at Washington, D.C., this 31st day of December 1960. Witness my hand and the seal of the Department of Agriculture.

WALTER C. BERGER,  
Administrator,  
Commodity Stabilization Service.

[F.R. Doc. 60-11316; Filed, Dec. 6, 1960;  
8:45 a.m.]

- Part  
 946 Louisville-Lexington, Ky.  
 947 Suburban St. Louis.  
 948 Sioux City, Iowa.  
 949 San Antonio, Tex.  
 952 Austin-Waco, Tex.  
 954 Duluth-Superior.  
 956 Sioux Falls-Mitchell, S. Dak.  
 963 Great Basin.  
 965 Cincinnati, Ohio.  
 966 Northern Louisiana.  
 967 South Bend-La Porte-Elkhart, Ind.  
 968 Wichita, Kans.  
 971 Dayton-Springfield, Ohio.  
 972 Tri-State.  
 974 Columbus, Ohio.  
 975 Northeastern Ohio.  
 976 Fort Smith, Ark.  
 977 Paducah, Ky.  
 978 Nashville, Tenn.  
 980 Western Colorado.  
 982 Central West Texas.  
 985 Muskegon, Mich.  
 986 Red River Valley.  
 987 Central Mississippi.  
 988 Knoxville, Tenn.  
 991 Rockford-Freepport, Ill.  
 994 Colorado Springs-Pueblo.  
 995 North Central Ohio.  
 998 Corpus Christi, Tex.  
 1000 Chattanooga, Tenn.  
 1002 Wheeling, W. Va.  
 1004 Central Arizona.  
 1005 North Central Iowa.  
 1008 Inland Empire.  
 1009 Clarksburg, W. Va.  
 1011 Michigan Upper Peninsula.  
 1012 Bluefield.  
 1013 Platte Valley.  
 1014 Mississippi Gulf Coast.  
 1016 Northeastern Wisconsin.  
 1018 Southeastern Florida.  
 1023 Des Moines, Iowa.  
 1024 Ohio Valley.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and to the applicable provisions of the orders, as amended, regulating the handling of milk in the aforesaid milk marketing areas (7 CFR Part 900), hereinafter referred to as the "orders", it is hereby found and determined as follows:

(1) Inasmuch as the daily wholesale selling prices for Grade AA (93-score) and Grade A (92-score) butter on the Chicago market, as reported by the Dairy and Poultry Market News Service, Agricultural Marketing Service, United States Department of Agriculture, and employed in the orders as factors in the formulas for computing the class prices and butterfat differentials, are not available on a number of days during the month of November 1960, and the averages of the limited number of daily prices reported are not representative of such prices for the month of November 1960, it is hereby determined that the equivalent price for Grade AA (93-score) butter at Chicago for November 1960 shall be 61.74 cents and the equivalent price for Grade A (92-score) butter at Chicago shall be 61.47 cents for November 1960.

(2) Notice of proposed rule making, public procedure thereon and 30 days prior notice to the effective date hereof are impractical, unnecessary and contrary to the public interest, in that (a) the daily wholesale selling prices for Grade AA (93-score) and Grade A (92-score) butter on the Chicago market have not been reported by the Dairy and Poultry Market News Service, Agricul-

tural Marketing Service, United States Department of Agriculture, on a number of days during the month of November 1960, and the averages of the limited number of daily prices reported are not representative of such prices for the month of November 1960; (b) the determination of an equivalent price immediately is necessary to make possible the announcement of the minimum class prices and butterfat differentials under the orders in valuing producer milk received by handlers during the months of November 1960 and December 1960; (c) an essential purpose of this determination is to give all interested persons notice that the averages of Grade AA (93-score) and Grade A (92-score) butter prices reported by the Dairy and Poultry Market News Service for November 1960 are not being used for the purpose of the price computations required in connection with the computation of class prices and butterfat differentials under the aforesaid orders; and (d) this determination does not require substantial or extensive preparation of any person.

Issued at Washington, D.C., this 1st day of December 1960.

CLARENCE L. MILLER,  
*Assistant Secretary.*

[F.R. Doc. 60-11343; Filed, Dec. 6, 1960;  
 8:47 a.m.]

**PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS**

**Container Regulation**

On November 9, 1960, notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10705) that consideration was being given to a proposed container regulation to be effective under the marketing agreement and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093) regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This is a regulatory marketing program issued pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matters presented, including the proposal set forth in the notice, which was submitted by the Texas Valley Citrus Committee (established pursuant to the said marketing agreement and order), it is hereby found that the container regulation, hereinafter set forth, is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared policy of the act.

**§ 1031.307 Container regulation.**

(a) Except as otherwise provided herein or by, or pursuant to, the provisions of Marketing Agreement No. 141 and this part (25 F.R. 9093) regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, no handler shall, on and after 12:01 a.m., c.s.t., January 16, 1961, handle any fruit unless such fruit is in a container or containers meeting the following specifications:

- (1) Containers with inside dimensions of 24<sup>5</sup>/<sub>16</sub> x 11<sup>3</sup>/<sub>8</sub> x 11<sup>3</sup>/<sub>8</sub> inches.
- (2) Containers with inside dimensions of 16<sup>1</sup>/<sub>4</sub> x 10<sup>1</sup>/<sub>4</sub> x 10<sup>1</sup>/<sub>4</sub> inches.
- (3) Containers with inside dimensions of 16<sup>1</sup>/<sub>2</sub> x 10<sup>3</sup>/<sub>4</sub> x 9<sup>1</sup>/<sub>2</sub>.
- (4) Containers with inside dimensions of 19<sup>3</sup>/<sub>4</sub> x 13 x 13<sup>1</sup>/<sub>2</sub> inches.
- (5) Containers with inside dimensions of 19<sup>3</sup>/<sub>4</sub> x 13 x 12<sup>1</sup>/<sub>2</sub> inches.
- (6) Containers with inside dimensions of 19<sup>3</sup>/<sub>4</sub> x 13<sup>1</sup>/<sub>2</sub> x 13<sup>1</sup>/<sub>2</sub> inches.
- (7) Containers with inside dimensions of 19<sup>3</sup>/<sub>4</sub> x 13 x 12<sup>1</sup>/<sub>4</sub> inches.

(8) Containers with inside dimensions of 22 x 14 x 16<sup>1</sup>/<sub>2</sub> inches: *Provided*, That such containers may be used only for the shipment of 8-pound bags of grapefruit, and each such container shall contain 8 such bags of grapefruit.

(9) Bags having a capacity of 5, 8, or 20 pounds of fruit, respectively.

(10) Such other types and sizes of containers as may be approved by the Texas Valley Citrus Committee for testing in connection with a research project conducted by or in cooperation with the said committee: *Provided*, That the handling of each lot of fruit in such test containers shall be subject to prior approval, and under the supervision, of the Texas Valley Citrus Committee.

(b) The provisions of this section shall not apply to the handling of any gift packages of fruit.

(c) The terms used in the said marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

Dated: December 1, 1960.

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

[F.R. Doc. 60-11345; Filed, Dec. 6, 1960;  
 8:48 a.m.]

**Title 14—AERONAUTICS AND SPACE**

**Chapter III—Federal Aviation Agency**

**SUBCHAPTER C—AIRCRAFT REGULATIONS**

[Reg. Docket No. 590; Amdt. 1]

**PART 506—AIRWORTHINESS DIRECTIVES RECORDATION**

**Cancellation of Part**

The recordation requirements of Part 506 are no longer considered necessary. When an aircraft is sold, the extent of compliance with a published airworthiness directive is a part of the record accompanying the aircraft. Where there has, as yet, been no compliance at the time of sale, the published airworthiness directive exists as notice to the new owner. Therefore, it is not necessary to require separate recordation of the extent of compliance and non-compliance with all outstanding airworthiness directives applicable to an aircraft or to major components thereof. Part 506 no longer being necessary is hereby rescinded.

This amendment shall become effective upon publication in the **FEDERAL REGISTER**.

(Sec. 313, 72 Stat. 752, 49 U.S.C. 1354. Interpret or apply sec. 503, 72 Stat. 772, as amended, 49 U.S.C. 1403)

Issued in Washington, D.C., on November 29, 1960.

OSCAR BAKKE,  
Director,  
Bureau of Flight Standards.

[F.R. Doc. 60-11326; Filed, Dec. 6, 1960; 8:45 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 Sodium 2,2-Dichloropropionate

A petition was filed with the Food and Drug Administration by Dow Chemical Company, Midland, Michigan, requesting the establishment of tolerances for residues of sodium 2,2-dichloropropionate, as 2,2-dichloropropionic acid, in or on peas (shelled or unshelled) and peavines (with or without pods) at 15 parts per million.

The data before the Commissioner show that the feeding to livestock of peas and fresh or ensiled peavines containing this pesticide chemical at levels not greater than the proposed tolerance of 15 parts per million will not result in residues in meat and milk. There is no basis for fixing a tolerance for the pesticide in milk or meat at a level higher than zero.

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. 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 (25 F.R. 8625), § 120.150 of the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.150) is amended by adding thereto tolerances for peas, peavines, and meat and milk. As amended, this section reads as follows:

##### § 120.150 Tolerances for residues of sodium 2,2-dichloropropionate.

Tolerances for residues of sodium 2,2-dichloropropionate, as 2,2-dichloropro-

pic acid, in or on raw agricultural commodities, are established as follows:

75 parts per million in or on flaxseed.  
35 parts per million in or on cottonseed.  
30 parts per million in or on asparagus.  
15 parts per million in or on peaches, peas (shelled or unshelled), peavines (with or without pods).  
10 parts per million in or on potatoes.  
5 parts per million in or on cranberries, sugar beets (roots), sugar beets (tops).  
3 parts per million in or on apples, grapes, pears, pineapples.  
1 part per million in or on apricots, plums.  
Zero part per million in meat and milk.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the **FEDERAL REGISTER** file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the **FEDERAL REGISTER**.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: November 29, 1960.

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

[F.R. Doc. 60-11342; Filed, Dec. 6, 1960; 8:47 a.m.]

#### SUBCHAPTER C—DRUGS

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

##### Labeling of Antibiotics for Use in Milk-Producing Animals; Extension of Effective Date of Order

On August 31, 1960, there was published in the **FEDERAL REGISTER** (25 F.R. 8321) an order prescribing certain labeling requirements for antibiotic drugs intended for use in milk-producing animals. On October 20, 1960, the Commissioner published an order (25 F.R. 10014) confirming the effective date of the regulation as originally proposed, i.e., December 1, 1960. The Commissioner has been requested to extend the effective date of this order. Good and sufficient reasons therefor appearing, the effective date is hereby extended to February 1, 1961.

(Sec. 507(f), 59 Stat. 463, as amended; 21 U.S.C. 357(f))

Dated: November 30, 1960.

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

[F.R. Doc. 60-11341; Filed, Dec. 6, 1960; 8:47 a.m.]

## Title 49—TRANSPORTATION

[Ex Parte No. 174]

### Chapter I—Interstate Commerce Commission

#### PART 91—LOCOMOTIVE INSPECTION

##### Rules and Instructions for Inspection and Testing of Locomotives Other Than Steam; Modification of Effective Dates

###### Correction

In F.R. Doc. 11052, appearing at page 12182 of the issue for Tuesday, Nov. 29, 1960, the words "Commissioner Hutchinson." should follow the closing phrase which reads "By the Commission."

#### PART 122—MONTHLY AND QUARTERLY OPERATING REPORTS

##### Subpart A—Railroads

###### QUARTERLY OPERATING STATISTICS

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D.C., on the 22d day of August A.D. 1960.

On May 16, 1960, the Commission, Division 2, issued its notice of rule making, advising that it had under consideration the revision of 49 CFR 122.3 so as to require that all Class I railroads, including switching and terminal companies, be required to file quarterly reports in lieu of monthly reports on forms to be designated OS-A, OS-B, OS-C, OS-D, OS-E and OS-F, except that switching and terminal companies would not be required to file reports on Forms OS-A, OS-B and OS-D, as set forth therein. The notice stated that any party desiring to make representations in favor of or against the proposed changes might submit written views or data to the Commission within 45 days of publication thereof in the **FEDERAL REGISTER**; it was served on all Class I railroads, including switching and terminal companies; and it was published in the **FEDERAL REGISTER** on May 26, 1960, 25 F.R. 4654. Representations in favor of the proposed revisions were received from the Association of American Railroads, and representations in opposition thereto were received from The Railway Labor Executives' Association.

Upon further consideration of the matters and things set forth in the Commission's notice of rule-making, as described above, and on consideration of representations for and against the proposed revisions, as submitted in response to such notice:

It is ordered, That, with respect to reports for the three months beginning with January 1, 1961, and thereafter until further order, the ordering paragraph of the order of October 25, 1956, in the matter of Monthly Operating Reports—Railroads, be, and it is hereby, modified and amended to read as shown below.

It is further ordered, That 49 CFR 122.3, be, and it is hereby, modified to read as follows:

**§ 122.3 Operating statistics.**

Commencing with reports for the three months beginning January 1, 1961, and thereafter until further order, all Class I railroads, including Class I switching and terminal companies, subject to the provisions of Part I of the Interstate Commerce Act, be, and they are hereby required to file quarterly reports of operating statistics in accordance with forms of reports, and notes of instructions thereon, designated as follows:

- Form OS-A—Freight Train Performance
- Form OS-B—Passenger Train Performance
- Form OS-C—Yard Service Performance
- Form OS-D—Revenue Traffic
- Form OS-E—Fuel and Power Statistics
- Form OS-F—Motive Power and Car Equipment,

which forms are attached hereto and made a part of this section; *Provided however*, that Class I switching and terminal companies are not required to submit reports on forms designated Forms OS-A, OS-B, and OS-D. Such quarterly reports shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before the dates indicated in the notice on each form.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

It is further ordered, That the heading of 49 CFR Part 122 be changed so as to read "Monthly and Quarterly Operating Reports".

And it is further ordered, That copies of this order and of Forms OS-A to OS-F, inclusive, shall be served on all Class I railroads, including switching and terminal companies, subject to the provisions of Part I of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such railroad, and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 60-11346; Filed, Dec. 6, 1960; 8:48 a.m.]

<sup>1</sup>Forms filed as part of original document.

**Title 50—WILDLIFE**

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

**PART 33—SPORT FISHING**

**Valentine National Wildlife Refuge, Nebraska**

The following special regulation is issued.

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

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Valentine National Wildlife Refuge, Nebraska is permissible only under the following conditions:

(a) Species permitted to be taken: As prescribed by State regulations.

(b) Open season: Daylight hours during the period December 15, 1960, through March 15, 1961.

(c) Daily creel limits: As prescribed by State regulations.

(d) Methods of fishing:  
(1) Tackle—as prescribed by State regulations.

(2) Bait—the use of minnows, fish, or parts thereof, either alive or dead, is prohibited.

(3) Nets and seines—the use of nets or seines for capturing minnows or fish is prohibited.

(e) Description of areas open to fishing: Fishing is permitted in accordance with the above on the posted area which comprises approximately 3,900 acres and five percent of the total refuge and which includes the waters of the following lakes: Clear, Dewey, Duck, Hackberry, Pelican, Pony, Rice, Watts, West Long, and Willow Lakes.

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

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

(3) The provisions of this special regulation are effective December 15, 1960, through March 15, 1961.

W. A. ELKINS,  
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 29, 1960.

[F.R. Doc. 60-11337; Filed, Dec. 6, 1960; 8:46 a.m.]

**PART 33—SPORT FISHING**

**Des Lacs National Wildlife Refuge, North Dakota**

The following special regulation is issued.

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

NORTH DAKOTA

DES LACS NATIONAL WILDLIFE REFUGE

Sport fishing on the Des Lacs National Wildlife Refuge, North Dakota is suspended until further notice because no harvestable fish populations exist at the present time.

W. A. ELKINS,  
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 29, 1960.

[F.R. Doc. 60-11338; Filed, Dec. 6, 1960; 8:46 a.m.]

**PART 33—SPORT FISHING**

**Lacreek National Wildlife Refuge, South Dakota**

The following special regulation is issued.

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

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacreek National Wildlife Refuge, South Dakota is permissible only under the following conditions:

(a) Species permitted to be taken: As prescribed by State regulations.

(b) Open season: Daylight hours during the period December 15, 1960, through February 28, 1961.

(c) Daily creel limits: As prescribed by State regulations.

(d) Methods of fishing: As prescribed by State regulations.

(e) Description of areas open to fishing: Fishing is permitted in accordance with the above on the posted area which comprises approximately 1,040 acres and 11 percent of the total refuge and which is described as follows:

The waters of Little White River Recreational Area in the W<sup>1</sup>/<sub>2</sub> Section 23; and those waters of Pool 10 in Sections 25 and 26, the N<sup>1</sup>/<sub>2</sub> Section 35 and N<sup>1</sup>/<sub>2</sub> Section 36; all in Township 37 N., R. 36 W.

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

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

(3) The provisions of this special regulation are effective December 15, 1960, through February 28, 1961.

W. A. ELKINS,  
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 29, 1960.

[F.R. Doc. 60-11339; Filed, Dec. 6, 1960; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR (1954) Part 1 ]

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

### Corporate Distributions and Adjustments

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL]

CHARLES I. FOX,  
Acting Commissioner  
of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to sections 19, 21, and 22 of the Technical Amendments Act of 1958 (72 Stat. 1615 and 1620), relating to gain or loss on sales or exchanges in connection with certain liquidations, property received in certain corporate organizations and reorganizations, and certain acquisitions of stock, respectively, and to make certain corrections, such regulations are amended as follows:

PARAGRAPH 1. Section 1.304-1 is amended to read as follows:

#### § 1.304-1 General.

(a) Except as provided in paragraph (b) of this section, section 304 is applicable where a shareholder sells stock of one corporation to a related corporation as defined in section 304. Sales to which section 304 is applicable shall be treated as redemptions subject to sections 302 and 303.

(b) In the case of—

(1) Any acquisition of stock described in section 304 which occurred before June 22, 1954, and

(2) Any acquisition of stock described in section 304 which occurred on or after June 22, 1954, and on or before December 31, 1958, pursuant to a contract entered into before June 22, 1954,

the extent to which the property received in return for such acquisition shall be treated as a dividend shall be determined as if the Internal Revenue Code of 1939 continued to apply in respect of such acquisition and as if the Internal Revenue Code of 1954 had not been enacted. See section 391. In cases to which this paragraph applies, the basis of the stock received by the acquiring corporation shall be determined as if the Internal Revenue Code of 1939 continued to apply in respect of such acquisition and as if the Internal Revenue Code of 1954 had not been enacted.

PAR. 2. Section 1.304-2 is amended by revising paragraph (a) and examples (1), (2), and (3) of paragraph (c). These amended provisions read as follows:

#### § 1.304-2 Acquisition by related corporation (other than subsidiary).

(a) If a corporation, in return for property, acquires stock of another corporation from one or more persons and the person or persons from whom the stock was acquired were in control of both such corporations before the acquisition, then such property shall be treated as received in redemption of stock of the acquiring corporation. The stock received by the acquiring corporation shall be treated as a contribution to the capital of such corporation. See section 362(a) for determination of the basis of such stock. The transferor's basis for his stock in the acquiring corporation shall be increased by the basis of stock surrendered by him. (But see below in this paragraph for subsequent reductions of basis in certain cases.) As to each person transferring stock, the amount received shall be treated as a distribution of property under section 302(d), unless as to such person such amount is to be treated as received in exchange for the stock under the terms of section 302(a) or section 303. In applying section 302(b), reference shall be had to the shareholder's ownership of stock in the issuing corporation and not to his ownership of stock in the acquiring corporation (except for purposes of applying section 318(a)). In determining control and applying section 302(b), section 318(a) (relating to the constructive ownership of stock) shall be applied without regard to the 50-percent limitation in section 318(a)(2)(C). A series of redemptions referred to in section 302(b)(2)(D) shall include acquisitions by either of the corporations of stock of the other and stock redemp-

tions by both corporations. If section 302(d) applies to the surrender of stock by a shareholder, his basis for his stock in the acquiring corporation after the transaction (increased as stated above in this paragraph) shall not be decreased except as provided in section 301. If section 302(d) does not apply, the property received shall be treated as received in a distribution in payment in exchange for stock of the acquiring corporation under section 302(a), which stock has a basis equal to the amount by which the shareholder's basis for his stock in the acquiring corporation was increased on account of the contribution to capital as provided for above in this paragraph. Accordingly, such amount shall be applied in reduction of the shareholder's basis for his stock in the acquiring corporation. Thus, the basis of each share of the shareholder's stock in the acquiring corporation will be the same as the basis of such share before the entire transaction. The holding period of the stock which is considered to have been redeemed shall be the same as the holding period of the stock actually surrendered.

\* \* \* \* \*

(c) The application of section 304(a) (1) may be illustrated by the following examples:

*Example (1).* Corporation X and corporation Y each have outstanding 100 shares of common stock. One-half of the stock of each corporation is owned by an individual, A, and one-half by another individual, B, who is unrelated to A. A sells 40 shares of corporation X stock to corporation Y for \$50,000, such stock having an adjusted basis of \$10,000 to A. After the sale, A is considered as owning corporation X stock as follows:

(i) 10 shares directly, and  
(ii) 45 shares constructively since by virtue of his 50-percent ownership of Y, he constructively owns 50 percent of the 40 shares owned directly by corporation Y, and 50 percent of the 50 shares attributed to corporation Y because they are owned by Y's stockholder, B.

Since after the sale A owns a total of more than 50 percent of the voting power of all the outstanding stock of corporation X, the transfer is not "substantially disproportionate" as to him as provided in section 302(b)(2). Under these facts, and assuming that section 302(b)(1) is not applicable, the entire \$50,000 is treated as a dividend to A to the extent of the earnings and profits of corporation Y. The basis of the corporation X stock to corporation Y is \$10,000, its adjusted basis to A. The amount of \$10,000 is added to the basis of the stock of corporation Y in the hands of A.

*Example (2).* Corporation X and corporation Y each have outstanding 100 shares of common stock. A, an individual, owns one-half the stock of each corporation, B owns one-half the stock of corporation X, and C owns one-half the stock of corporation Y. A, B, and C are unrelated. A sells 30 shares

of the stock of corporation X to corporation Y for \$50,000, such stock having an adjusted basis of \$10,000 to him. After the sale, A is considered as owning 35 shares of the stock of corporation X (20 shares directly and 15 constructively because one-half of the 30 shares owned by corporation Y are attributed to him). Since before the sale, he owned 50 percent of the stock of corporation X and after the sale he owned directly and constructively only 35 percent of such stock, the redemption is substantially disproportionate as to him pursuant to the provisions of section 302(b)(2). He, therefore, realizes a gain of \$40,000 (\$50,000 minus \$10,000). If the stock surrendered is a capital asset, such gain is long-term or short-term capital gain depending on the period of time that such stock was held. The basis to A for the stock of corporation Y is not changed as a result of the entire transaction. The basis to corporation Y for the stock of corporation X is \$50,000, i.e., the basis of the transferor (\$10,000), increased in the amount of gain recognized to the transferor (\$40,000) on the transfer.

*Example (3).* Corporation X and corporation Y each have outstanding 100 shares of common stock. H, and individual, W, his wife, S, his son, and G, his grandson, each own 25 shares of stock of each corporation. H sells all of his 25 shares of stock of corporation X to corporation Y. Since both before and after the transaction H owned directly and constructively 100 percent of the stock of corporation X, and assuming that section 302(b)(1) is not applicable, the amount received by him for his stock of corporation X is treated as a dividend to him to the extent of the earnings and profits of corporation Y.

PAR. 3. Section 1.337 is amended by adding after section 337(c) a new subsection (d) and a historical note, as follows:

**§ 1.337 Statutory provisions; gain or loss on sales or exchanges in connection with certain liquidations.**

SEC. 337. *Gain or loss on sales or exchanges in connection with certain liquidations.* \* \* \*

(d) *Special rule for certain minority shareholders.* If a corporation adopts a plan of complete liquidation on or after January 1, 1958, and if subsection (a) does not apply to sales or exchanges of property by such corporation, solely by reason of the application of subsection (c)(2)(A), then for the first taxable year of any shareholder (other than a corporation which meets the 80 percent stock ownership requirement specified in section 332(b)(1)) in which he receives a distribution in complete liquidation—

(1) The amount realized by such shareholder on the distribution shall be increased by his proportionate share of the amount by which the tax imposed by this subtitle on such corporation would have been reduced if subsection (c)(2)(A) had not been applicable, and

(2) For purposes of this title, such shareholder shall be deemed to have paid, on the last day prescribed by law for the payment of the tax imposed by this subtitle on such shareholder for such taxable year, an amount of tax equal to the amount of the increase described in paragraph (1).

[Sec. 337 as amended by sec. 19, Technical Amendments Act 1958 (72 Stat. 1615)]

PAR. 4. Section 1.337-5 is deleted and the following new sections are inserted in lieu thereof:

**§ 1.337-5 Special rule for certain minority shareholders.**

(a) *General.* If, with respect to a plan of complete liquidation adopted on or

after January 1, 1958, the liquidating corporation fails to qualify for the treatment prescribed by section 337(a) solely by reason of the application of section 337(c)(2)(A), then, for the first taxable year of any shareholder (other than a corporation which meets the 80-percent stock ownership requirement specified in section 332(b)(1)) in which he receives a distribution in complete liquidation, the treatment prescribed by section 337(d) and this section shall be applicable to such shareholder. Since section 337(d) applies only with respect to distributions in complete liquidation under section 331, it does not apply with respect to a distribution which is treated as part of an exchange to which section 354 or 356 applies.

(b) *Treatment of minority shareholders.* (1) In cases to which section 337(d) and paragraph (a) of this section apply—

(i) The amount realized by the shareholder on the distribution shall be increased by his proportionate share of the amount by which the tax imposed by subtitle A of the Code (income taxes) on the liquidating corporation would have been reduced if section 337(c)(2)(A) had not been applicable (see paragraph (c) of this section for determination of the proportionate share of each shareholder), and

(ii) For purposes of the Code, the shareholder shall be deemed to have paid on the last day prescribed by section 6151 for the payment of the tax (the last day prescribed by section 6072 for the filing of his income tax return) for the taxable year in which he receives the first distribution in complete liquidation (whether the return is filed before, on, or after such last day), an amount of income tax equal to the amount of the increase described in subdivision (i) of this subparagraph.

(2) If a minority shareholder who receives a distribution to which section 337(d) and paragraph (a) of this section apply is a partnership, the amount realized by the partnership for the first taxable year in which it receives a distribution in liquidation shall be increased by the amount determined under paragraph (c) of this section, and the amount of tax referred to in subparagraph (1)(ii) of this paragraph shall be deemed paid by the partnership. Credit or refund of the tax deemed paid by the partnership shall be taken into account by the partners in accordance with section 702(a)(8), and the share taken into account by each partner shall be deemed paid by him on the last day prescribed by section 6151 for the payment of the tax for his taxable year in which or with which the partnership taxable year ends. Finally, the partners shall make such adjustments to the bases of their partnership interests as are required by section 705(a) and, for purposes of that section, the amount of tax deemed paid by the partnership shall be treated as a nondeductible partnership expenditure.

(3) If a minority shareholder who receives a distribution to which section 337(d) and paragraph (a) of this section apply is an electing small business corporation (within the meaning of section 1371(b)), then—

(i) The increase in the amount realized on such distribution, as determined under paragraph (c) of this section, shall be deemed received by such corporation on the last day of its taxable year during which such distribution is received;

(ii) On such last day the amount of tax referred to in subparagraph (1)(ii) of this paragraph shall be deemed distributed to those persons who are shareholders of such corporation on such last day, in the same proportion as the undistributed taxable income of such corporation would be included (under section 1373(b)) in the gross income of such persons, and, for purposes of section 301(c)(2) and (3), the distribution shall be considered a distribution which is not a dividend; and

(iii) The amount of tax deemed distributed to each shareholder under subdivision (ii) of this subparagraph shall be deemed paid by each such shareholder on the last day prescribed by section 6151 for the payment of the tax for his taxable year in which or with which the taxable year of such corporation ends.

(c) *Determination of each minority shareholder's increase in amount realized.* (1) Under section 337(d) and paragraph (b) of this section, the amount realized by each minority shareholder of the liquidating corporation shall be increased by his proportionate share of the amount by which the tax imposed by subtitle A of the Code on the liquidating corporation would have been reduced if section 337(c)(2)(A) had not been applicable. Where the corporation has only the one class of stock outstanding, the increase in the amount realized by each minority shareholder shall be determined by multiplying the reduction in the corporation's tax that would be applicable if section 337(c)(2)(A) did not apply by a fraction, the numerator of which is equal to the sum of all liquidating distributions received by such shareholder and the denominator of which is equal to the sum of all liquidating distributions received by all shareholders. Where the corporation has outstanding preferred stock which is limited to a specified amount on liquidation, as well as common stock, if the holders of the preferred stock receive the entire amount to which they are entitled, the fraction described in the preceding sentence shall be applied to determine the increase in the amount realized by the holders of common stock on the liquidation without taking the preferred stock into account. In all other cases, in determining the increase in the amount realized by each minority shareholder, consideration must be given to the extent to which different classes of stock are entitled to participate in the assets of the corporation on liquidation.

(2) If two or more minority shareholders receive distributions in liquidation with respect to the same stock (e.g., if a minority shareholder sells his stock after receiving one of a series of distributions in complete liquidation), the increase in the amount realized by the minority shareholder who surrenders the stock in liquidation shall be determined as though he received all the distributions in liquidation with respect to such

stock and shall then be divided between himself and the shareholder who has already received distributions in liquidation with respect to the same stock. This division must be in proportion to the amount each minority shareholder received in liquidation with respect to such stock.

(d) *Claim for credit or refund.* Claim for credit or refund of the tax deemed to have been paid by a shareholder pursuant to section 337(d) and paragraph (b) of this section shall be made on the shareholder's income tax return (or in an amended return or claim for credit or refund) for the taxable year in which he receives the first distribution in complete liquidation. In the case of a shareholder which is a partnership, claim shall be made by the partners for credit or refund of their distributive shares of the tax deemed to have been paid by the partnership. In the case of a shareholder which is an electing small business corporation (within the meaning of section 1371(b)), claim shall be made by those persons who are shareholders of such corporation on the last day of the corporation's taxable year in which it received the first distribution in complete liquidation. In the case of a shareholder who is a nonresident alien individual or a nonresident foreign corporation, see section 6012 and the regulations thereunder. In the case of a shareholder which is exempt from tax under section 501(a) and to which section 511 does not apply for the taxable year, claim for refund of the tax deemed to have been paid by such shareholder shall be made on Form 843. For other rules applicable to the filing of claims for credit or refund of an overpayment of tax, see section 6402 and the regulations thereunder. For the limitations applicable to the credit or refund of an overpayment of tax, see section 6511 and the regulations thereunder.

(e) *Illustrations.* The application of this section may be illustrated by the following examples:

*Example (1).* (i) Assume that corporation S, having only common stock outstanding, is owned 90 percent by corporation P (which has owned the S stock for 3 years) and 10 percent by individual A (a calendar year taxpayer), and that the sole assets of corporation S are two buildings, each having a fair market value of \$100,000 and a basis to the corporation of \$50,000. Assume further that A's basis for his stock is \$10,000. On August 1, 1958, corporation S adopts a plan of complete liquidation. On September 1, 1958, corporation S sells building No. 1 for \$100,000 and, during October 1958, the corporation makes a pro rata distribution of building No. 2 and the proceeds of the sale of building No. 1 (less \$12,500 retained to pay the tax on such sale at the rate of 25 percent).

(ii) Under section 337(d) and this section, the amount realized by A on the distribution is increased by \$1,250, A's proportionate share (10 percent) of the amount by which the tax imposed on corporation S upon such sale would have been reduced (\$12,500) if section 337(a) had been applicable. Thus, the tax imposed on A with respect to the complete liquidation is computed as follows: The amount realized by A is \$18,750 (\$10,000 for A's one-tenth interest in building No. 2, plus \$8,750 representing A's proportionate share of the \$100,000 received by corporation S on the sale of building No. 1

less the tax imposed on corporation S upon such sale) plus \$1,250 (the increase in the amount realized), or \$20,000. Since A's basis for his stock is \$10,000, the tax imposed on A with respect to the complete liquidation (assuming A's gain is taxed at a rate of 25 percent) is \$2,500. Under section 337(d) and this section, A shall be deemed to have paid \$1,250 in tax. Accordingly, A will be left with \$17,500 in property and money (\$18,750 minus \$1,250).

*Example (2).* (i) Assume all the facts set forth in example (1) and the following additional facts: Corporation S has outstanding 1,000 shares of \$100 par value preferred stock, the holders of which are entitled to receive full par value on liquidation, after which the common shareholders receive the balance of the assets. Individual A owns 10 percent of the preferred stock, with a basis to him of \$10,000, as well as 10 percent of the common stock. Corporation S has, in addition to its two buildings, \$100,000 in cash which it distributes in full payment in exchange for the outstanding preferred stock.

(ii) Individual A receives \$10,000 in exchange for his preferred stock and recognizes no gain or loss on this portion of the liquidation. Under section 337(d) and this section, A is accorded the same treatment described in example (1) with respect to his common stock as though it were the only stock outstanding. Thus, with respect to his common stock the amount realized by A on the distribution is increased by \$1,250, and the tax deemed paid by him is \$1,250. Accordingly, after credit, A will be left with \$27,500 in property and money (\$10,000 on his preferred stock and \$17,500 on his common stock).

*Example (3).* (i) Assume the same facts as in example (1) except that on August 2, 1958, corporation S makes a pro rata distribution of building No. 2 as a first distribution in complete liquidation. Assume further that on August 15, 1958, individual A sells his stock to B, and that on October 1, 1958, building No. 1 is sold and final distribution in liquidation is made of \$87,500 (\$100,000 sales proceeds less \$12,500 retained to pay tax, assuming a 25-percent rate).

(ii) Under section 337(d) and this section, the increase in the amount realized by B shall first be determined as though he had received all the distributions in liquidation with respect to such stock. Then the increase in the amount realized (\$1,250) is divided between A and B in proportion to the amount each shareholder received in liquidation with respect to such stock. Thus, A's share of the increase in the amount realized is \$666.67 ( $\$1,250 \times 10,000/18,750$ ) and B's share is \$583.33 ( $\$1,250 \times 8,750/18,750$ ). A is deemed to have paid tax in the amount of \$666.67 and B is deemed to have paid tax in the amount of \$583.33.

*Example (4).* (i) Assume the same facts as in example (1), except that A files his return for 1958 on April 15, 1959, and that corporation S sells building No. 1, and distributes the proceeds of such sale (less tax thereon), in May 1959.

(ii) Since building No. 1 is not sold until after A files his return for 1958, A's 1958 return will report no gain on the liquidation (A's pro rata share of building No. 2 being equal to the basis of his stock). However, under section 337(d) and this section, the amount realized by A on the liquidating distribution received by him in 1958 (the first taxable year in which he received a liquidating distribution) is increased by his entire proportionate share (\$1,250) of the amount by which the tax imposed on corporation S upon the sale of building No. 1 would have been reduced if section 337(a) had been applicable. Moreover, A is deemed to have paid, on the last day prescribed by law for the payment of his tax for 1958 (April 15, 1959), an amount of tax equal to such in-

crease. Thus, A will be obliged to file an amended return (or claim for refund) for 1958 to reflect the adjustments required by section 337(d) and this section. The amended return (or claim for refund) will show that in 1958 A realized gain on the liquidation in the amount of \$1,250, the excess of the amount realized by A (\$10,000 plus \$1,250 or \$11,250) over his basis (\$10,000), and that A incurred a tax of \$312.50 on such gain (assuming the gain is taxed at a rate of 25 percent). Moreover, the amended return (or claim) will show that A is deemed to have paid \$1,250 in additional tax for 1958. Accordingly, if the excess of the tax deemed paid over the tax incurred, or \$937.50, constitutes an overpayment of tax for 1958, such excess will be credited or refunded to A.

(iii) When A receives a further liquidating distribution of \$8,750 in 1959 (i.e., his proportionate share of the proceeds of the sale of building No. 1, less tax thereon) he realizes a further gain of \$8,750 (since he fully recovered the basis of his stock in 1958) on which, assuming the gain is taxed at a rate of 25 percent, he will incur a tax of \$2,187.50. Thus, with respect to the liquidation of corporation S, A will in effect be left with \$17,500 in property and money, determined as follows:

Amount actually realized in 1958-----	\$10,000.00
Amount deemed paid as tax for 1958 and recoverable by credit or refund to extent it exceeds A's tax liability for 1958-----	\$1,250.00
Less: Tax on gain in 1958-----	312.50
	937.50

Amount actually realized in 1959-----	8,750.00
Less: Tax on gain in 1959-----	2,187.50
	6,562.50

Total money and property received or credited-----	17,500.00
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#### § 1.337-6 Information to be filed.

(a) *Cases to which section 337(a) applies.* In cases to which section 337(a) applies, there must be attached to the return of the liquidating corporation the following information:

(1) A copy of the minutes of the stockholders' meeting at which the plan of liquidation was formally adopted, including a copy of the plan of liquidation.

(2) A statement of the assets sold after the adoption of the plan of liquidation, including the dates of such sales. If section 337(c) (2) (B), relating to limited nonrecognition of gain on sales by subsidiaries, is applicable, this statement must include a computation of the total gain and of the gain not recognized under section 337.

(3) Information as to the date of the final liquidating distribution.

(4) A statement of the assets, if any, retained to pay liabilities and the nature of the liabilities.

(b) *Cases to which section 337(d) is applicable.* In cases to which section 337(d) applies, a minority shareholder who claims credit or refund of tax deemed to have been paid shall file with the return on which the claim is made (or Form 843) a statement containing the name and address of the liquidating

corporation and the district in which it files its return, together with all information necessary to support the validity of his claim and a detailed computation of the amount of his claim.

PAR. 5. Section 1.358 is amended by revising section 358(a), and adding a historical note at the end of section 358, to read as follows:

**§ 1.358 Statutory provisions; basis to distributees.**

SEC. 358. *Basis to distributees*—(a) *General rule.* In the case of an exchange to which section 351, 354, 355, 356, 361, or 371(b) applies—

(1) *Nonrecognition property.* The basis of the property permitted to be received under such section without the recognition of gain or loss shall be the same as that of the property exchanged—

(A) Decreased by—

(i) The fair market value of any other property (except money) received by the taxpayer,

(ii) The amount of any money received by the taxpayer, and

(iii) The amount of loss to the taxpayer which was recognized on such exchange, and

(B) Increased by—

(i) The amount which was treated as a dividend, and

(ii) The amount of gain to the taxpayer which was recognized on such exchange (not including any portion of such gain which was treated as a dividend).

(2) *Other property.* The basis of any other property (except money) received by the taxpayer shall be its fair market value.

[Sec. 358 as amended by sec. 21, Technical Amendments Act 1958 (72 Stat. 1620)]

Par. 6. Paragraph (a) of § 1.358-1 is amended to read as follows:

**§ 1.358-1 Basis to distributees.**

(a) In the case of an exchange or distribution to which section 354, 355, or 371(b) applies in which, under the law applicable to the year in which the exchange is made, only nonrecognition property is received, the sum of the basis of all of the stock and securities in the corporation whose stock and securities are exchanged or with respect to which the distribution is made, held immediately after the transaction, plus the basis of all stock and securities received in the transaction shall be the same as the basis of all the stock and securities in such corporation held immediately before the transaction allocated in the manner described in § 1.358-2. In the case of an exchange to which section 351 or 361 applies in which, under the law applicable to the year in which the exchange was made, only nonrecognition property is received, the basis of all the stock and securities received in the exchange shall be the same as the basis of all property exchanged therefor. If an exchange or distribution to which section 351, 356, 361, or 371(b) applies both nonrecognition property and "other property" are received, the basis of all the property except "other property" held after the transaction shall be determined as described in the preceding two sentences decreased by the sum of the money and the fair market value of the "other property" (as of the date of the transaction) and increased by the sum of the amount treated as a dividend

(if any) and the amount of the gain recognized on the exchange, but the term "gain" as here used does not include any portion of the recognized gain that was treated as a dividend. In any case in which a taxpayer transfers property with respect to which loss is recognized, such loss shall be reflected in determining the basis of the property received in the exchange. The basis of the "other property" is its fair market value as of the date of the transaction.

PAR. 7. Section 1.391 is amended to read as follows:

**§ 1.391 Statutory provisions; effective date of part I, subchapter C, chapter 1 of the Code.**

SEC. 391. *Effective date of Part I.* Except as otherwise provided in this subchapter, part I shall take effect on June 22, 1954. Section 306 shall apply only with respect to dispositions (or redemptions) occurring on or after June 22, 1954. In the case of—

(1) Any acquisition of stock described in section 304 which occurred before June 22, 1954, and

(2) Any acquisition of stock described in such section which occurred on or after June 22, 1954, and on or before December 31, 1958, pursuant to a contract entered into before June 22, 1954;

the extent to which the property received in return for such acquisition shall be treated as a dividend shall be determined as if the Internal Revenue Code of 1939 continued to apply in respect of such acquisition and as if this Code had not been enacted.

[Sec. 391 as amended by sec. 22, Technical Amendments Act 1958 (72 Stat. 1620)]

PAR. 8. Section 1.391-1 is amended to read as follows:

**§ 1.391-1 Effective date of part I of subchapter C.**

Pursuant to section 395 and regulations thereunder, the provisions of part I, subchapter C, chapter 1 of the Code, shall be effective with respect to the described transactions which occur on or after June 22, 1954, and with respect to section 306 (relating to the disposition or redemption of "section 306 stock"), such section shall apply only to stock which is received in a transaction subject to the Internal Revenue Code of 1954, and which is disposed of or redeemed after June 22, 1954. Generally, stock issued after June 22, 1954, will be section 306 stock if such stock comes within the definition set forth in section 306(c). However, stock which otherwise qualifies within the definition set forth in section 306 is not section 306 stock if it is issued pursuant to a reorganization which by reason of the application of section 393(b) and section 395 is governed by the provisions of the Internal Revenue Code of 1939 without amendment by the Internal Revenue Code of 1954. In addition, stock which otherwise qualifies within the definition set forth in section 306(c) is not section 306 stock if it is issued pursuant to a reorganization which by reason of an election under section 393(b) (2) is governed by the provisions of the Internal Revenue Code of 1939 without amendment by the Internal Revenue Code of 1954. For rules applicable in the case of certain acquisitions of stock described

in section 304, see paragraph (b) of § 1.304-1.

PAR. 9. Paragraph (b) (1) (iv) of § 1.6012-1 is amended to read as follows:

**§ 1.6012-1 Individuals required to make returns of income.**

(b) *Returns of nonresident alien individuals*—(1) *Individuals in class 1 (no United States business and gross income of not more than \$15,400).* \* \* \*

(iv) *Claim for refund.* Notwithstanding the provisions of subdivisions (i) and (ii) of this subparagraph, a nonresident alien individual within class 1 shall include on Form 1040NB his entire income described in paragraph (b) of § 1.871-7, whether or not the tax has been fully satisfied at the source upon a portion thereof, if a claim for the refund of an overpayment of tax is made in accordance with section 6402 and the regulations thereunder. However, if the overpayment to be refunded consists solely of tax deemed to have been paid under section 337(d) (2), relating to gain or loss on sales or exchanges in connection with certain liquidations, or section 852 (b) (3) (D), relating to undistributed capital gains of a regulated investment company, or both, it is not necessary to include the Form 1040NB the entire income described in paragraph (b) of § 1.871-7.

PAR. 10. Paragraph (g) (1) (ii) of § 1.6012-2 is amended to read as follows:

**§ 1.6012-2 Corporations required to make returns of income.**

(g) *Returns by foreign corporations*—(1) *Nonresident foreign corporations.* \* \* \*

(ii) *Claim for refund.* Notwithstanding the provisions of subdivision (i) of this subparagraph, a nonresident foreign corporation shall include on Form 1120NB its entire income described in § 1.881-2, whether or not the tax has been fully satisfied at the source upon a portion thereof, if a claim for refund of an overpayment of tax is made in accordance with section 6402 and the regulations thereunder. However, if the overpayment to be refunded consists solely of tax deemed to have been paid under section 337(d) (2), relating to gain or loss on sales or exchanges in connection with certain liquidations, or section 852 (b) (3) (D), relating to undistributed capital gains of a regulated investment company, or both, it is not necessary to include on the Form 1120NB the entire income described in § 1.881-2.

[F.R. Doc. 60-11355; Filed, Dec. 6, 1960; 8:49 a.m.]

**[ 26 CFR (1954) Part 250 ]**

**LIQUORS AND ARTICLES FROM PUERTO RICO**

**Return System for Payment of Taxes**

Notice is hereby given pursuant to the Administrative Procedures Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commis-

sioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,  
Commissioner of Internal Revenue.

In order to (1) establish a return system for the payment of internal revenue taxes in Puerto Rico on liquors and articles of Puerto Rican manufacture which are to be withdrawn from insular bond for shipment to the United States, and (2) conform to administrative or organizational changes, the regulations in 26 CFR Part 250, "Liquors and Articles From Puerto Rico and the Virgin Islands," are amended as follows:

A new section, reading as follows, is inserted immediately following § 250.11.

#### § 250.11a Delegate.

The term "Secretary, or his delegate," means the Secretary, or any officer or employee of the Secretary duly authorized to perform the function mentioned or described in this part.

#### § 250.20 [Deletion]

Section 250.20 is deleted.

A new section, reading as follows, is inserted immediately following § 250.21.

#### § 250.21a Officer-in-Charge.

"Officer-in-Charge" shall mean the principal revenue officer in Puerto Rico charged with the duty of collecting internal revenue taxes, in Puerto Rico, under the jurisdiction of the Director of the Office of International Operations, Internal Revenue Service, Treasury Department, Washington, D.C.

Three new sections, reading as follows, are inserted immediately following § 250.26.

#### § 250.26a Revenue agent.

"Revenue agent" shall mean any duly authorized Commonwealth Internal Revenue Agent of the Department of the Treasury of Puerto Rico.

#### § 250.26b Secretary.

"Secretary" shall mean the Secretary of the Treasury of Puerto Rico.

#### § 250.26c Taxpaid.

"Taxpaid", as used in this part with respect to liquors or articles of Puerto Rican manufacture, shall include liquors

or articles on which the tax was computed but with respect to which payment was deferred under the provisions of Subpart E of this part.

#### § 250.27 [Deletion]

Section 250.27 is deleted.

Section 250.30 is amended to read:

#### § 250.30 United States Internal Revenue Service office.

"United States Internal Revenue Service office," as used in this part, shall mean the United States Internal Revenue Service office in Puerto Rico operating under the direction of the Director of the Office of International Operations, Internal Revenue Service, Treasury Department, Washington, D.C.

#### § 250.38 [Amendment]

Section 250.38 is amended as follows:

(A) By striking, in the third sentence, the reference to "§ 250.77", and inserting in lieu thereof "§ 250.86".

(B) By striking the statutory citation at the end of the section and inserting in lieu thereof "(72 Stat. 1374; 26 U.S.C. 5301)".

Section 250.42 is amended to read:

#### § 250.42 Destruction of stamps.

All stamps must remain on packages until the contents are emptied. When a package of distilled spirits is emptied, the internal revenue stamp thereon must be completely effaced and obliterated.

(68A Stat. 830, 72 Stat. 1358; 26 U.S.C. 6804, 5205)

#### § 250.55 [Amendment]

Section 250.55 is amended by striking the word "treasurer" and inserting in lieu thereof the word "Secretary".

Subpart E is amended to read:

#### Subpart E—Taxpayment in Puerto Rico of Liquors Withdrawn Before Rectification or Bottling

##### BONDS

- Sec.  
250.61 General.  
250.62 Corporate surety.  
250.63 Deposit of securities in lieu of corporate surety.  
250.64 Consents of surety.  
250.65 Authority to approve bonds and consents of surety.  
250.66 Bond, Form 2896—Distilled spirits and rectification.  
250.67 Bond, Form 2897—Wine.  
250.68 Bond, Form 2898—Beer.  
250.69 Strengthening bonds.  
250.70 New or superseding bonds.

##### TERMINATION OF BONDS

- 250.71 Termination of bonds.  
250.72 Application of surety for relief from bond.  
250.73 Relief of surety from bond.  
250.74 Release of pledged securities.  
250.75 Form 1490, Notice of Termination or Release of Bond.

##### PERMITS REQUIRED

- 250.76 Insular permits.

##### DISTILLED SPIRITS

- 250.77 Subject to tax.  
250.78 Application and permit, Form 2899.  
250.79 Computation and payment of tax.  
250.80 Action by Officer-in-Charge.  
250.81 Action by Secretary.  
250.82 Release of spirits.  
250.83 Bottling of distilled spirits.

##### Sec.

- 250.84 Stamping bottles.  
250.85 Rectification tax.

##### PACKAGES OF DISTILLED SPIRITS

- 250.86 Authority for shipment.  
250.87 Evidence of taxpayment.  
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#### Subpart E—Taxpayment in Puerto Rico of Liquors Withdrawn Before Rectification or Bottling

##### BONDS

#### § 250.61 General.

Every person filing a bond under this subpart, or a consent of surety on such bond, shall file it with the Officer-in-Charge.

#### § 250.62 Corporate surety.

Surety bonds may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary of the Treasury of the United States, as set forth in United States Treasury Department Circular 570. Powers of attorney and other evidence of appointment of agents and officers to execute bonds or to consent to changes in the terms of bonds on behalf of corporate sureties are required to be filed with, and passed

on by, the Commissioner of Accounts, Surety Bonds Branch, United States Treasury Department, Washington 25, D.C.

(61 Stat. 648; 6 U.S.C. 6, 7)

**§ 250.63 Deposit of securities in lieu of corporate surety.**

In lieu of corporate surety, the principal may pledge and deposit, as surety for his bond, securities which are transferable and are guaranteed as to both interest and principal by the United States, in accordance with the provisions of 31 CFR Part 225.

(61 Stat. 650; 6 U.S.C. 15)

**§ 250.64 Consents of surety.**

Consents of surety to changes in the terms of bonds shall be executed on Form 1533 by the principal and by the surety with the same formality and proof of authority as is required for the execution of bonds.

**§ 250.65 Authority to approve bonds and consents of surety.**

The Officer-in-Charge is authorized to approve all bonds and consents of surety filed under this part.

**§ 250.66 Bond, Form 2896—Distilled spirits and rectification.**

(a) *Withdrawal of distilled spirits from bonded storage in Puerto Rico.* Where the proprietor of a bonded warehouse or a bonded processing room intends to withdraw, for purpose of shipment to the United States, distilled spirits of Puerto Rican manufacture from bonded storage in Puerto Rico on computation, but before payment, of the tax imposed by section 7652(a), I.R.C., equal to the tax imposed in the United States by section 5001(a)(1), I.R.C., he shall, before making any such withdrawal, furnish a bond, Form 2896, to secure payment of such tax, at the time and in the manner prescribed in this subpart, on all distilled spirits so withdrawn. The bond shall be executed in a penal sum not less than the amount of unpaid tax which, at any one time, is chargeable against the bond: *Provided*, That the penal sum of such bond shall not exceed \$1,000,000, but in no case shall the penal sum be less than \$1,000.

(b) *Rectification in Puerto Rico.* Where the proprietor of a rectifying plant in Puerto Rico intends to ship rectified products to the United States and desires that the tax imposed by section 7652(a), I.R.C., equal to the tax imposed in the United States by section 5021 and/or section 5022, I.R.C., be computed at the time the bottling and casing is completed, but payment thereof is deferred, he shall furnish a bond, Form 2896, to secure payment of such tax, at the time and in the manner prescribed in this subpart, on all rectified spirits and wines so bottled and cased. The bond shall be executed in a penal sum not less than the amount of unpaid tax which, at any one time, is chargeable against the bond: *Provided*, That the penal sum of such bond shall not exceed \$100,000, but in no case shall the penal sum be less than \$1,000.

(c) *Blanket bond.* Any person who is the proprietor of more than one bonded

warehouse, bonded processing room, or rectifying plant in Puerto Rico, may, in lieu of furnishing two or more separate bonds on Form 2896, as required by paragraphs (a) and/or (b) of this section, furnish a blanket bond on Form 2896. The penal sum of such blanket bond shall be equal to the sum of the penal sums of all the bonds in lieu of which it is given. Such blanket bond on Form 2896 shall show each bonded warehouse and/or bonded processing room and/or rectifying plant to be covered by the bond, and the part of the total penal sum (computed in accordance with paragraphs (a) and/or (b) of this section) to be allocated to each of the designated premises. If the penal sum of the bond allocated to a designated premises is in an amount less than the maximum prescribed in paragraphs (a) and/or (b) of this section, transactions at such premises shall not exceed the quantity permissible, as reflected by the penal sum allocated in the bond to such premises. Such blanket bond shall contain the terms and conditions of the bonds in lieu of which it is given and shall be conditioned that the total amount of the bond shall be available for satisfaction of any liability incurred under the terms and conditions of such bond.

(68A Stat. 775, 847, 906, 907; 26 U.S.C. 6301(b), 7101, 7102, 7651(2)(B), 7652(a))

**§ 250.67 Bond, Form 2897—Wine.**

Where a proprietor intends to withdraw, for purpose of shipment to the United States, wine of Puerto Rican manufacture from bonded storage in Puerto Rico on computation, but before payment, of the tax imposed by section 7652(a), I.R.C., equal to the tax imposed in the United States by section 5041, I.R.C., he shall, before making any such withdrawal, furnish a bond, Form 2897, to secure payment of such tax, at the time and in the manner prescribed in this subpart, on all wine so withdrawn. The bond shall be executed in a penal sum not less than the amount of unpaid tax which, at any one time, is chargeable against the bond: *Provided*, That the penal sum of such bond shall not exceed \$250,000, but in no case shall the penal sum be less than \$500.

(68A Stat. 775, 847, 906, 907; 26 U.S.C. 6301(b), 7101, 7102, 7651(2)(B), 7652(a))

**§ 250.68 Bond, Form 2898—Beer.**

Where a brewer intends to withdraw, for purpose of shipment to the United States, beer of Puerto Rican manufacture from bonded storage in Puerto Rico on computation, but before payment, of the tax imposed by section 7652(a), I.R.C., equal to the tax imposed in the United States by section 5051, I.R.C., he shall, before making any such withdrawal, furnish a bond, Form 2898, to secure payment of such tax, at the time and in the manner prescribed in this subpart, on all beer so withdrawn. The bond shall be executed in a penal sum not less than the amount of unpaid tax which, at any one time, is chargeable against the bond: *Provided*, That the penal sum of such bond shall not exceed \$500,000, but in no case shall the penal sum be less than \$1,000.

(68A Stat. 775, 847, 906, 907; 26 U.S.C. 6301(b), 7101, 7102, 7651(2)(B), 7652(a))

**§ 250.69 Strengthening bonds.**

In all cases where the penal sum of any bond becomes insufficient, the principal shall either give a strengthening bond with the same surety to attain a sufficient penal sum, or give a new bond to cover the entire liability. Strengthening bonds will not be approved where any notation is made thereon which is intended, or which may be construed, as a release of any former bond, or as limiting the amount of any bond to less than its full penal sum. Strengthening bonds shall show the current date of execution and the effective date.

**§ 250.70 New or superseding bonds.**

New bonds shall be required in case of insolvency or removal of any surety, and may, at the discretion of the Officer-in-Charge, be required in any other contingency affecting the validity or impairing the efficiency of an existing bond. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing or liquidating the business of the principal, shall execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. Where, under the provisions of § 250.72, the surety on any bond given under this subpart has filed an application to be relieved of liability under said bond and the principal desires or intends to continue the operations to which such bond relates, he shall file a valid superseding bond to be effective on or before the date specified in the surety's notice. New or superseding bonds shall show the current date of execution and the effective date.

TERMINATION OF BONDS

**§ 250.71 Termination of bonds.**

Any bond given under the provisions of this subpart may be terminated as to future transactions—

(a) Pursuant to application of surety as provided in § 250.72;

(b) On approval of a superseding bond;

(c) On notification by the principal to the Officer-in-Charge that he has discontinued transactions under the bond; or

(d) On notification by the principal to the Officer-in-Charge that he has discontinued business.

**§ 250.72 Application of surety for relief from bond.**

A surety on any bond given under the provisions of this subpart may at any time in writing notify the principal and the Officer-in-Charge that he desires, after a date named, to be relieved of liability under said bond. Such date shall be not less than 10 days after the date the notice is received by the Officer-in-Charge. The surety shall also file with the Officer-in-Charge an acknowledgment or other proof of service on the principal. If such notice is not thereafter in writing withdrawn, the rights of the principal as supported by said bond shall be terminated on the date named in the notice, and the surety shall be relieved from liability to the extent set forth in § 250.73.

**§ 250.73 Relief of surety from bond.**

Where the surety on a bond given under the provisions of this subpart has filed application for relief from liability, as provided in § 250.72, the surety shall be relieved from liability for transactions occurring wholly subsequent to the date specified in the notice, or the effective date of a new bond, if one is given.

**§ 250.74 Release of pledged securities.**

Securities of the United States pledged and deposited as provided in § 250.63, shall be released only in accordance with the provisions of 31 CFR Part 225. Such securities will not be released by the Officer-in-Charge until the liability under the bond for which they were pledged has been terminated. When the Officer-in-Charge is satisfied that they may be released, he shall fix the date or dates on which a part or all of such securities may be released. At any time prior to the release of such securities, the Officer-in-Charge may extend the date of release for such additional length of time as he deems necessary.

(61 Stat. 650; 6 U.S.C. 15)

**§ 250.75 Form 1490, Notice of Termination or Release of Bond.**

When the Officer-in-Charge is satisfied that any bond given under the provisions of this subpart may be terminated or released, he shall issue Form 1490, Notice of Termination or Release of Bond, and shall forward copies to the principal and to the surety. The Officer-in-Charge shall appropriately modify Form 1490 to show his title in lieu of that of the "Assistant Regional Commissioner, Alcohol and Tobacco Tax."

**PERMITS REQUIRED****§ 250.76 Insular permits.**

Before liquors or articles of Puerto Rican manufacture may be shipped to the United States, an insular permit, Form 2899, to compute the taxes imposed by section 7652(a), I.R.C., and to withdraw the products from the bonded establishment where they may be deposited, must be obtained from the Secretary, and such products may not be shipped to the United States until a permit to ship, on Form 487B, is applied for and obtained from the Secretary.

**DISTILLED SPIRITS****§ 250.77 Subject to tax.**

Distilled spirits of Puerto Rican manufacture, and any products containing such spirits, coming into the United States and withdrawn for consumption or sale are subject to a tax equal to the internal revenue tax imposed in the United States by sections 5001(a)(1), 5021, and 5022, I.R.C.

(68A Stat. 907; 26 U.S.C. 7652)

**§ 250.78 Application and permit, Form 2899.**

Application for permit to compute the tax on, and to withdraw, distilled spirits shall be made on Form 2899, in quadruplicate, by the proprietor of the bonded warehouse or bonded processing room. The applicant shall forward all copies of the form to the Secretary. If

the application is properly prepared and is otherwise in order, the Secretary, or his delegate, shall execute his permit, retain one copy for his files, and forward the original and remaining copies of the form to the revenue agent at the bonded warehouse or bonded processing room where the spirits are stored. The revenue agent shall gauge the spirits, make a report of his gauge on Form 2630, in quadruplicate, and deliver all copies of Forms 2899 and 2630 to the applicant.

**§ 250.79 Computation and payment of tax.**

(a) *Deferred payment.* Where the distilled spirits are to be withdrawn from bonded storage on computation of tax, payment of which is to be deferred under bond, Form 2896, given by the proprietor of such bonded storage, such proprietor shall compute the tax, enter the amount of such computed tax on all copies of Form 2899, and execute the agreement to pay the amount of tax which has been computed and entered. He shall also certify under the penalties of perjury that he is not in default of any payment of tax chargeable against his bond, and that his bond is in the maximum penal sum or that it is sufficient to cover the amount of tax on the distilled spirits described on the form in addition to all other amounts chargeable against his bond. The proprietor shall forward the original and two copies of Forms 2899 and 2630 to the Officer-in-Charge, and shall retain a copy of each form for his files. Where the penal sum of his bond is less than the maximum prescribed in § 250.66(a) or where the penal sum allocated to his premises under § 250.66(c) is less than the prescribed maximum, the proprietor shall maintain an account of his bond. He shall charge the bond with the amount of liability he accepts at the time he executes Form 2899, and shall credit the bond for the same amount at the time he files his return, Form 2901, and remittance to cover payment of the tax on the distilled spirits covered by such Form 2899.

(b) *Withdrawal after payment.* Where the distilled spirits are to be withdrawn from bonded storage after payment of the computed tax, the proprietor shall enter the amount of such computed tax on all copies of Form 2899, and execute the statement that such tax is being prepaid. He shall then prepare Form 2925, in quadruplicate, and send the original and two copies of Forms 2899, 2925, and 2630, together with his remittance in full for such tax, to the Officer-in-Charge, and retain a copy of each form for his files.

**§ 250.80 Action by Officer-in-Charge.**

(a) *Deferred payment.* On receipt of Forms 2899 and 2630, covering application to withdraw distilled spirits from bonded storage, on computation, but before payment, of the tax, the Officer-in-Charge shall, if the proprietor has on file a good and sufficient bond, Form 2896, execute his certificate of approval on all copies of Form 2899, and forward two copies of Form 2899 and 2630 to the Secretary, retaining the originals of each form for his records. Where the Officer-in-Charge finds that the pro-

prietor does not have proper and sufficient coverage on bond, Form 2896, or where the Officer-in-Charge finds that the proprietor is in default of payment of any taxes previously charged to his bond, he shall, without approval, return all copies of Form 2899 and 2630 to the proprietor, giving his reasons for withholding approval.

(b) *Prepayment.* On receipt of Forms 2899, 2925 and 2630, with remittance, covering prepayment of tax on distilled spirits to be withdrawn from bonded storage, the Officer-in-Charge shall execute his certificate of receipt on all copies of Form 2925, and his certificate of approval on all copies of Form 2899. He shall then forward two copies of Forms 2899, 2925, and 2630 to the Secretary and retain the originals of each form for his files.

**§ 250.81 Action by the Secretary.**

On receipt of Forms 2899 and 2630, and Form 2925 where required, from the Officer-in-Charge, the Secretary, or his delegate, shall authorize the release of the spirits on both copies of Form 2899, retain a copy of each form for his files, and forward a copy of each form to the proper revenue agent.

**§ 250.82 Release of spirits.**

On receipt of Form 2899 from the Secretary, authorizing the release of the distilled spirits, the revenue agent will release the spirits for bottling or withdrawal in accordance with procedures prescribed in this part for bottling and shipment. Distilled spirits released from bonded storage under this section may not be shipped to the United States until permit for such shipment has been obtained from the Secretary as provided in §§ 250.114 through 250.116.

**§ 250.83 Bottling of distilled spirits.**

On receipt of Form 2899 from the Secretary authorizing the release of distilled spirits for bottling, the revenue agent will so release the spirits. Spirits which are to be bottled without rectification may not be removed through the bonded processing room to the bottling house, but must be removed directly from the bonded warehouse to the bottling house. The bottling operations will be conducted under supervision of the revenue agent.

**§ 250.84 Stamping bottles.**

Every bottle of distilled spirits of Puerto Rican manufacture to be shipped to the United States must have affixed thereto a red strip stamp of proper size bearing the name of the distiller, rectifier, or bottler. Red strip stamps will be procured, overprinted, and used as provided in Subpart G of this part.

(72 Stat. 1358; 26 U.S.C. 5205)

**§ 250.85 Rectification tax.**

(a) *Computation.* When rectified spirits on which distilled spirits tax equal to the tax imposed in the United States by section 5001(a)(1), I.R.C., has been paid or deferred (as prescribed in § 250.79) have been bottled and cased, the rectifier shall prepare Form 2926, in quadruplicate. He shall compute on Form 2926 the rectification tax (equal to

the tax imposed in the United States by section 5021 and/or section 5022, I.R.C.) incurred on the spirits so rectified and bottled and cased. He shall then submit all copies of the form to the revenue agent who, after verifying the computation of the tax, will return all copies to the rectifier.

(b) *Deferred payment.* When payment of the rectification tax is to be deferred under bond, Form 2896, given by the rectifier, he shall execute, on Form 2926, the agreement to pay the amount of tax which has been computed and entered. He shall also certify under penalties of perjury that he is not in default of any payment of tax chargeable against his bond, and that his bond is in the maximum penal sum or that it is sufficient to cover the amount of the rectification tax entered on the form in addition to all other amounts chargeable against his bond. The rectifier shall forward the original and two copies of Form 2926 to the Officer-in-Charge and retain a copy for his files. The provisions of § 250.79(a) shall be applicable with respect to keeping an account of the bond.

(c) *Prepayment.* When the rectification tax is to be prepaid on completion of bottling and casing, the rectifier shall execute the statement on Form 2926 that such tax is being prepaid. He shall then prepare Form 2925, in quadruplicate, and send the original and two copies of Forms 2925 and 2926, together with his remittance in full for such tax, to the Officer-in-Charge and retain a copy of each form for his files.

(d) *Procedures applicable.* The applicable provisions of §§ 250.80 and 250.81 shall govern the processing of Forms 2925 and 2926 by the Officer-in-Charge and the Secretary.

PACKAGES OF DISTILLED SPIRITS

§ 250.86 Authority for shipment.

The laws of Puerto Rico provide that distilled spirits of Puerto Rican manufacture may be shipped or exported from Puerto Rico only in containers holding not more than one gallon, except that where any rectifier presents to the Secretary a sworn application, in duplicate, stating that he wishes to withdraw from business and to liquidate his stock of rum, the Secretary, or his delegate, may authorize the sale of such stock in barrels of forty gallons or more for shipment to the United States. Therefore, subject to the approval of such application by the Secretary, or his delegate, and pursuant to the provisions of this part, rum of Puerto Rican manufacture may be shipped to the United States in such bulk containers.

§ 250.87 Evidence of taxpayment.

Where, under the provisions of § 250.86, a rectifier has made application to the Secretary for authority to ship packages of Puerto Rican rum to the United States, he shall, at the same time, submit sworn evidence to the Secretary that the distilled spirits tax has been paid or will be paid, as provided in § 250.79, and that all rectification taxes incurred have been paid or will be paid in the same manner as provided in § 250.85 for rectified spirits

bottled and cased, or he shall submit application, Form 2899, for permit to pay such taxes, as provided in this subpart. When satisfied that the rectifier has complied with all provisions of this part relating to the payment of taxes on such distilled spirits, the Secretary, or his delegate, shall note his approval on both copies of the sworn application, and return one copy to the applicant. On receipt of the approved application, the rectifier shall submit application for permit to ship, Form 487B, as prescribed in §§ 250.114 through 250.116.

§ 250.88 Application for distilled spirits stamps.

On receipt of approved Form 487B from the Secretary, the rectifier shall make written request in triplicate to the Officer-in-Charge for issuance of distilled spirits stamps for the packages. Such requests shall show the name and address of the packer, the serial number of each package and the proof gallon contents thereof, the serial number of the Form 2901 and/or Form 2925 pursuant to which tax was paid, and shall identify the permit, Form 487B, pursuant to which the packages are to be shipped. The request and the permit, Form 487B, shall be submitted to the revenue agent, who if satisfied that the request has been correctly prepared and that the requirements of this subpart relating to the payment of taxes have been met, will note his approval on all copies of the request and return them and Form 487B to the proprietor. The proprietor shall forward all copies of the approved request and Form 487B to the Officer-in-Charge.

§ 250.89 Issuance of distilled spirits stamps.

On receipt of the approved request therefor, and permit Form 487B, the Officer-in-Charge shall issue the required number of distilled spirits stamps. He shall enter, on each stamp, the name of the proprietor removing the spirits, the serial number of the container for which the stamp is issued and, where rectification tax has been paid (as provided in this subpart), the words "Rectified Product." When the stamps have been issued, the issuing officer shall enter the serial numbers thereof, preceded by the symbols "DS" on each copy of the request; return Form 487B and one copy of the request, with the stamps, to the applicant; forward one copy of the request to the Secretary; and retain the original for his files.

§ 250.90 Affixing stamps to packages.

At the time the proprietor affixes the stamp to the package he shall enter on the stamp the date the stamp is affixed. The stamps shall be securely affixed by the proprietor, under supervision of a revenue agent, to the heads of the packages. The revenue agent shall then cancel the stamps by drawing or otherwise imprinting a line (not less than one-eighth inch wide) in durable red ink diagonally across the stamp. When the stamps have been affixed and canceled, the proprietor shall immediately cover them with a transparent coat of shellac, lacquer, varnish, or other equally suitable

material, to protect the markings on the stamps.

§ 250.91 Release of packages.

On stamping of packages of spirits authorized for shipment to the United States as provided in § 250.86, the revenue agent shall release the packages for shipment.

WINE

§ 250.92 Subject to tax.

Wine of Puerto Rican manufacture coming into the United States and withdrawn for consumption or sale is subject to a tax equal to the internal revenue tax imposed in the United States on wine by section 5041, I.R.C.

(68 Stat. 907; 26 U.S.C. 7652)

§ 250.93 Application and permit, Form 2900.

When wine of Puerto Rican manufacture is to be withdrawn for shipment to the United States, or for use in making any rectified product or article for shipment to the United States, application for permit to compute the tax on, and to withdraw, the wine shall be made on Form 2900, in quintuplicate, by the proprietor of the bonded premises where the wine is stored. If the withdrawal is to be made in casks, barrels, kegs, or similar containers, the applicant shall enter the name of the winemaker producing the wine, the serial numbers of the packages, the total number of wine gallons contained therein, and the taxable grade of the wine, i.e., "not more than 14%" if the wine contains not more than 14 percent of alcohol by volume, "14-21%" if the wine contains more than 14 percent and not exceeding 21 percent of alcohol by volume, "21-24%" if the wine contains more than 21 percent but not exceeding 24 percent of alcohol by volume. On wines containing more than 24 percent of alcohol by volume, the true percentage of alcohol by volume shall be stated. If the application covers more than one taxable grade of wine, the quantity in each taxable grade shall be reported separately. If the withdrawal is to consist of bottled wine, the applicant shall show the number of cases, size of the bottles, the number of bottles per case, the total quantity in wine gallons, and the taxable grade of the wine in the manner stated above. The applicant shall forward all copies of the form to the Secretary. If the application is properly prepared and is otherwise in order, the Secretary, or his delegate, shall execute his permit, retain one copy for his files, and return the original and three copies to the applicant.

§ 250.94 Computation and payment of tax.

(a) *Deferred payment.* When wine is to be withdrawn from bonded storage on computation of tax, payment of which is to be deferred under bond, Form 2897, given by the proprietor of such bonded storage, such proprietor shall compute the tax, enter the amount of the computed tax on all copies of Form 2900, and execute the agreement to pay the amount of tax which has been computed and entered. He shall also certify under the penalties of perjury that he is not

in default of any payment of tax chargeable against his bond, and that his bond is in the maximum penal sum or that it is sufficient to cover the amount of tax described on the form in addition to all other amounts chargeable against his bond. The proprietor shall forward the original and two copies of Form 2900 to the Officer-in-Charge, and shall retain one copy for his files. Where the penal sum of his bond is less than the maximum prescribed in § 250.67, the proprietor shall maintain an account of his bond. He shall charge the bond with the amount of liability he accepts at the time he executes Form 2900, and shall credit the bond for the same amount at the time he files his return, Form 2927, and remittance to cover payment of the tax on the wine covered by such Form 2900.

(b) *Withdrawal after payment.* Where the wine is to be withdrawn from bonded storage after payment of the computed tax, the proprietor shall enter such computed tax on all copies of Form 2900, and execute the statement that such tax is being prepaid. He shall then prepare Form 2928, in quadruplicate, and send the original and two copies of Forms 2900 and 2928, together with his remittance in full for such tax, to the Officer-in-Charge, and retain a copy of each form for his files.

**§ 250.95 Action by Officer-in-Charge and by the Secretary.**

The procedures prescribed in §§ 250.80 and 250.81 with respect to the processing of Forms 2899 and 2925 by the Officer-in-Charge and by the Secretary, shall be applicable to the processing, by such persons, of Forms 2900 and 2928.

**§ 250.96 Release of wine.**

On receipt of Form 2900 from the Secretary authorizing the release of the wine, the revenue agent shall release the wine. Wine may not be shipped to the United States until a permit to ship, Form 487B, has been obtained as provided in §§ 250.114 through 250.116.

**§ 250.97 Marking containers of wine.**

Containers of wine of Puerto Rican manufacture which are to be shipped to the United States must be marked with the name of the winemaker, the serial number of the container, the kind and taxable grade of the wine, the gallon content, and the serial number of the withdrawal permit, Form 487B, prefixed by the number of such form, e.g. "487B-61-3."

**LIQUEURS, CORDIALS, OR SIMILAR COMPOUNDS CONTAINING WINE**

**§ 250.98 Insular permits required.**

(a) *Distilled spirits.* When distilled spirits of Puerto Rican manufacture are to be withdrawn for use in the manufacture of liqueurs, cordials, or similar compounds containing wine which are to be shipped to the United States, an insular permit, Form 2899, must first be obtained from the Secretary, in the manner prescribed in § 250.78.

(b) *Wine.* When wine of Puerto Rican manufacture is to be used in the manufacture of liqueurs, cordials, or similar

compounds which are to be shipped to the United States, an insular permit, Form 2900, must first be obtained from the Secretary, in the manner prescribed in § 250.93.

**§ 250.99 Taxpayment.**

(a) *Distilled spirits.* Gauge of distilled spirits withdrawn for use in the manufacture of liqueurs, cordials, or similar compounds containing wine shall be made and reported by the revenue agent in the manner prescribed in § 250.78, and the tax on such spirits, equal to the tax imposed in the United States by section 5001(a)(1), I.R.C., will be computed and paid in accordance with the provisions of § 250.79.

(b) *Wine.* The tax on the wine withdrawn for use in the manufacture of liqueurs, cordials, and similar compounds, equal to the tax imposed in the United States by section 5041, I.R.C., will be computed and paid in accordance with the provisions of § 250.94.

(c) *Finished product.* If the finished product is subject to rectification tax equal to that imposed in the United States by section 5021 or section 5022, I.R.C., such tax will be computed and paid in accordance with the applicable provisions of § 250.85. Containers of liqueurs, cordials, or similar compounds shall bear red strip stamps as provided in Subpart G of this part.

**§ 250.100 Permit to ship required.**

Before liqueurs, cordials, or similar compounds may be shipped from Puerto Rico to the United States, a permit to ship must be obtained as provided in §§ 250.114 through 250.116.

**BEER**

**§ 250.101 Subject to tax.**

Beer of Puerto Rican manufacture coming into the United States and withdrawn for consumption or sale is subject to a tax equal to the internal revenue tax imposed on beer in the United States by section 5051, I.R.C.

(68A Stat. 907; 26 U.S.C. 7652)

**§ 250.102 Application and permit, Form 2900.**

When beer of Puerto Rican manufacture is to be withdrawn for shipment to the United States, or for use in making an article for shipment to the United States, application for permit to compute the tax on, and to withdraw, the beer shall be made by the brewer on Form 2900, in quintuplicate. If the withdrawal is to be made in hogsheads, barrels, or kegs, the brewer shall enter the total number of each size, according to capacity, of containers which it is desired to withdraw. If the withdrawal is to be made in bottles, the brewer shall enter the number of cases, size of bottles, number of bottles per case, the total contents thereof in gallons (liquid measure), and the equivalent thereof in barrels and fractions of barrels of 31 gallons each. The brewer shall forward all copies of the form to the Secretary. If the application is properly prepared and is otherwise in order, the Secretary, or his delegate, shall execute his permit, retain one

copy for his files, and return the original and three copies to the brewer.

**§ 250.103 Computation and payment of tax.**

(a) *Deferred payment.* When beer is to be withdrawn from bonded storage on computation of tax, payment of which is to be deferred under bond, Form 2898, given by the brewer, such brewer shall compute the tax, enter the amount of the computed tax on all copies of Form 2900, and execute the agreement to pay the amount of tax which has been computed and entered. He shall also certify under the penalties of perjury that he is not in default of any payment of tax chargeable against his bond, and that his bond is in the maximum penal sum or that it is sufficient to cover the amount of tax described on the form in addition to all other amounts chargeable against his bond. The brewer shall forward the original and two copies of Form 2900 to the Officer-in-Charge, and shall retain one copy for his files. Where the penal sum of his bond is less than the maximum prescribed in § 250.68, the brewer shall maintain an account of his bond. He shall charge the bond with the amount of liability he accepts at the time he executes Form 2900, and shall credit the bond for the same amount at the time he files his return, Form 2929, and remittance to cover payment of the tax on the beer covered by such Form 2900.

(b) *Withdrawal after payment.* Where the beer is to be withdrawn from bonded storage after payment of the computed tax, the brewer shall enter such computed tax on all copies of Form 2900, and execute the statement that such tax is being prepaid. He shall then prepare Form 2930, in quadruplicate, and send the original and two copies of Forms 2900 and 2930, together with his remittance in full for such tax, to the Officer-in-Charge, and retain a copy of each form for his files.

**§ 250.104 Action by Officer-in-Charge and by the Secretary.**

The procedures prescribed in §§ 250.80 and 250.81 with respect to the processing of Forms 2899 and 2925 by the Officer-in-Charge and by the Secretary, shall be applicable to the processing, by such persons, of Forms 2900 and 2930.

**§ 250.105 Release of beer.**

On receipt of Form 2900 from the Secretary authorizing the release of the beer, the revenue agent shall release the beer. Beer may not be shipped to the United States until a permit to ship, Form 487B, has been obtained as provided in §§ 250.114 through 250.116.

**§ 250.106 Marking containers of beer.**

Containers of beer of Puerto Rican manufacture which are to be shipped to the United States must be marked with the name of the brewer; the serial number, capacity, and size of the container; the kind of beer; and the serial number of the withdrawal permit, Form 487B, prefixed by the number of such form, e.g. "487B-61-3."

ARTICLES

§ 250.107 Taxable status.

Articles of Puerto Rican manufacture which are to be shipped to the United States and which are not exempt from tax under the provisions of § 250.36 are subject, under section 7652(a), I.R.C., to a tax equal to the tax imposed by the internal revenue laws of the United States on the distilled spirits, wine, or beer contained therein. A formula and process covering the manufacture of each such product shall be filed by the manufacturer in accordance with Subpart D of this part.

§ 250.108 Application for permit, Form 2899 and/or Form 2900.

(a) *Distilled spirits.* Where distilled spirits of Puerto Rican manufacture are to be used in the manufacture of the articles to be shipped to the United States, the manufacturer shall make application on Form 2899, in accordance with the applicable provisions of § 250.78.

(b) *Wine and/or beer.* Where wine and/or beer of Puerto Rican manufacture is to be used in the manufacture of the articles to be shipped to the United States, the manufacturer shall make application on Form 2900, in accordance with the applicable provisions of §§ 250.93 and/or 250.102. Wine and beer may be included in the same application.

(c) *Approval of applications.* The Secretary, or his delegate, shall approve and dispose of the applications in the manner prescribed in §§ 250.78, 250.93, and/or 250.102, as the case may be.

§ 250.109 Taxpayment.

(a) *Distilled spirits.* The tax on distilled spirits used in the manufacture of the articles to be shipped to the United States, equal to the tax imposed in the United States by section 5001(a)(1), I.R.C., shall be computed and paid as prescribed in § 250.79.

(b) *Wine.* The tax on wine used in the manufacture of the articles to be shipped to the United States, equal to the tax imposed in the United States by section 5041, I.R.C., shall be computed and paid as prescribed in § 250.94.

(c) *Beer.* The tax on beer used in the manufacture of articles to be shipped to the United States, equal to the tax imposed in the United States by section 5051, I.R.C., shall be computed and paid as prescribed in § 250.103.

§ 250.110 Release of liquors.

On receipt of authorization from the Secretary, the revenue agent shall release the liquors. A permit must be obtained as provided in §§ 250.114 through 250.116 before the articles manufactured from such liquors may be shipped to the United States.

PAYMENT OF TAX BY RETURN

§ 250.111 General.

All taxes imposed by section 7652(a), I.R.C., and which, under the provisions of this part, are paid in Puerto Rico, shall be paid and collected on the basis of a semimonthly or prepayment return as provided in this subpart. Any tax which has been paid in accordance with

the provisions of this part in effect at the time of such payment, and before provision was made in the part for payment of such tax by return, shall be deemed to have been prepaid as prescribed in this part.

§ 250.112 Taxes to be collected by returns for semimonthly periods.

(a) *Distilled spirits.* The taxes imposed by section 7652(a), I.R.C. (equal to the taxes imposed in the United States by sections 5001(a)(1), 5021, and 5022, I.R.C.), the payment of which has been deferred under the provisions of §§ 250.79 (a) and 250.85 (b), shall be paid pursuant to a return on Form 2901 prepared in quadruplicate. The proprietor shall list on his return the serial numbers of all Forms 2899 and 2926 covered by the return.

(b) *Wine.* The taxes imposed by section 7652(a), I.R.C. (equal to the taxes imposed in the United States by section 5041, I.R.C.), the payment of which has been deferred under the provisions of § 250.94(a), shall be paid pursuant to a return on Form 2927 prepared in quadruplicate. The proprietor shall list on his return the serial numbers of all Forms 2900 covered by the return.

(c) *Beer.* The taxes imposed by section 7652(a), I.R.C. (equal to the taxes imposed in the United States by section 5051, I.R.C.), the payment of which has been deferred under the provisions of § 250.103(a), shall be paid pursuant to a return on Form 2929 prepared in quadruplicate. The brewer shall list on his return the serial numbers of all Forms 2900 covered by the return.

(d) *Periods.* The periods to be covered by returns on Form 2901, 2927, and 2929, shall be semimonthly; such periods to run from the 1st day through the 15th day of each month and from the 16th day through the last day of each month.

(e) *Filing.* The original and two copies of returns on Forms 2901, 2927, and 2929, with remittance covering the full amount of the tax, shall be filed with the Officer-in-Charge not later than the 3d business day next succeeding the last day of the return period. Where the return and remittance are delivered by United States mail to the office of the Officer-in-Charge, the date of the official postmark of the United States Post Office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery.

(f) *Default.* Where a taxpayer has defaulted in any payment of tax under this section, during the period of such default and until the Officer-in-Charge finds that the revenue will not be jeopardized by deferred payment of tax under this section, the tax shall be prepaid by such taxpayer in accordance with the provisions of § 250.113.

§ 250.113 Returns for prepayment of taxes.

(a) *General.* If a proprietor does not have on file with the Officer-in-Charge an approved bond covering the deferred payment of taxes, or if such bond is in an insufficient penal sum, or if there is default by him in any payment of tax under this subpart, liquors shall not be

released from bonded storage before the proprietor has paid the tax thereon.

(b) *Remittances.* Remittances submitted to cover prepayment of taxes under this subpart shall be in cash, United States postal money orders, certified checks, or cashier's checks.

(c) *Distilled spirits.* In all cases where taxes equal to the taxes imposed in the United States by sections 5001(a)(1), 5021, and 5022, I.R.C., are to be paid before distilled spirits may be withdrawn from bonded storage, the proprietor shall pay such taxes pursuant to a return on Form 2925, and as prescribed in § 250.79 (b) and/or § 250.85 (c).

(d) *Wine.* In all cases where taxes equal to the taxes imposed in the United States by section 5041, I.R.C., are to be paid before wine may be withdrawn from bonded storage, the proprietor shall pay such taxes pursuant to a return on Form 2928, and as prescribed in § 250.94 (b).

(e) *Beer.* In all cases where taxes equal to the taxes imposed in the United States by section 5051, I.R.C., are to be paid before beer may be withdrawn from bonded storage, the brewer shall pay such taxes pursuant to a return on Form 2930, and as prescribed in § 250.103 (b).

(f) *Applicable procedures.* The procedures of § 250.112 (e) with respect to returns delivered by United States mail shall apply to returns and remittances filed under the provisions of this section.

PERMIT TO SHIP LIQUORS AND ARTICLES

§ 250.114 Permit to ship required.

Before liquors and articles of Puerto Rican manufacture, upon which all internal revenue taxes have been paid or deferred as prescribed in this subpart, may be shipped to the United States, a permit to ship, Form 487B, must be obtained from the Secretary as provided in §§ 250.115 and 250.116.

§ 250.115 Application, Form 487B.

Application for permit to ship to the United States liquors and articles of Puerto Rican manufacture on which all taxes have been paid or deferred as prescribed in this subpart shall be made by the shipper on Form 487B, in sextuple. Each Form 487B will be given a serial number, by the applicant, beginning with "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive. This serial number will be prefixed by the last two digits of the calendar year. e.g. "61-1." All copies of the form shall be delivered to the revenue agent for execution of his certification thereon and forwarding of all copies to the Secretary within sufficient time to allow for the issuance of the permit and customs inspection as provided in § 250.116.

§ 250.116 Issuance of permit, Form 487B, and customs inspection.

If the application has been properly executed and the Secretary, or his delegate, finds that all internal revenue taxes imposed under section 7652(a), I.R.C., have been computed under the provisions of this part and have been paid or, pursuant to a sufficient bond, have been de-

ferred under the applicable provisions of this part, he will execute his permit on all copies thereof, retain one copy of the form, return two copies to the shipper, and send three copies to the collector of customs in Puerto Rico. The shipper will submit the two copies of the Form 487B to the collector at least six hours prior to the intended lading of the merchandise. The collector will then inspect the merchandise covered by the Form 487B after which he will execute his certificate on each copy of Form 487B indicating all exceptions. If discrepancies appear indicating differences between the quantity covered by Form 487B and the quantity actually contained in the shipment or the improper taxpayment of the merchandise, he will withhold release of the shipment and notify the Secretary of such discrepancies. Thereupon, such discrepancies must be corrected in the shipping documents and additional tax paid, if required, prior to release of the merchandise. The collector, upon release of the merchandise for shipment, will retain one copy of the Form 487B, return two copies to the shipper, and send two copies to the collector of customs at the port of arrival in the United States, one of which should be mailed and the other dispatched on the vessel concerned for the guidance of the inspector who will handle the cargo. After the shipment has been cleared by the collector of customs in Puerto Rico, the shipper shall retain one copy of the Form 487B and send one copy thereof, with other shipping documents, to the collector of customs at the port of arrival.

#### PROCEDURE AT PORT OF ARRIVAL

##### § 250.117 Action by carrier.

The carrier of the merchandise specified on the Form 487B shall, at the time of unloading at the port of arrival in the United States, segregate and arrange the cases of liquors or articles for convenient customs examination and will assume any expense incurred in connection therewith.

##### § 250.118 Inspection by collector of customs at port of arrival.

On receipt of properly executed Form 487B from the shipper and the copies of Form 487B from the collector of customs in Puerto Rico, the collector of customs at the port of arrival shall inspect the merchandise to determine whether the quantity specified on the Form 487B is contained in the shipment. He will then execute his certificate on each copy of Form 487B received and indicate thereon any exceptions found at the time of discharge. The statement of exceptions should show the serial number of each case or other shipping container which sustained a loss, the quantity of liquor reported shipped in such container and the quantity lost. Losses occurring as the result of missing bottles, cases, or other containers should be listed separately from empty containers and containers which have sustained losses due to breakage. Where the statement is made on the basis of bottles missing or lost due to other cause, the number and size of bottles lost should

be shown. If the collector finds that the full amount of the taxes due has not been paid, he will require the difference due to be paid prior to release of the merchandise in accordance with the applicable provisions of this part. When the proper inspection of the merchandise has been effected, and any additional taxes found to be due on the liquors or articles collected, the merchandise will be released.

##### § 250.119 Disposition of forms by collector of customs.

Two copies of the Form 487B will be forwarded to the United States Internal Revenue Service office, and one copy of the form will be retained by the collector of customs and be available for inspection by internal revenue officers. If the taxpayer files a claim for refund of tax on losses, the Officer-in-Charge will forward to the assistant regional commissioner of the region in which the port of arrival is located a copy of the completed Form 487B with the claim for refund.

##### §§ 250.127, 250.142 [Amendments]

Sections 250.127 and 250.142 are amended by striking, wherever it appears, the phrase "insular internal revenue agent" and inserting in lieu thereof the words "revenue agent".

##### §§ 250.143, 250.144 [Amendments]

Sections 250.143 and 250.144 are amended as follows:

(A) By striking, wherever it appears, the phrase "insular internal revenue agent" and inserting in lieu thereof the words "revenue agent".

(B) By changing the statutory citations to read "(72 Stat. 1358; 26 U.S.C. 5205)".

##### § 250.146 [Amendment]

Section 250.146 is amended as follows:

(A) By striking, in the first and fourth sentences, the phrase "insular internal revenue agent" and inserting in lieu thereof the words "revenue agent".

(B) By striking, where it appears twice in the last sentence, the word "treasurer" and inserting in lieu thereof the word "Secretary".

Section 250.180 is amended to read:

##### § 250.180 Applicable procedure.

Distilled spirits of less than 190 degrees of proof, wines, and beer of Puerto Rican manufacture (hereinafter referred to as "liquors" unless otherwise indicated) intended for shipment to the United States, which are withdrawn from producing or storage premises for entry into bonded rectification sections, bottling sections, or bonded warehouses, in accordance with the Spirits and Alcoholic Beverages Act, as amended, of Puerto Rico, shall be subject to the provisions of this subpart, and §§ 250.1 through 250.165, in so far as such sections may be applicable.

Section 250.182 is amended to read:

##### § 250.182 Alcoholic constituents.

The alcoholic constituents of all liquors constituting a specific bottling lot shall be ascertained from records maintained in accordance with insular

requirements. The revenue agent will verify the accuracy of the amount of tax entered on Form 2899 and/or Form 2900, as the case may be. The formula number under which the liquors were produced or manufactured for shipment to the United States will also be shown on the Form 2899 and/or Form 2900.

Section 250.183 is amended to read:

##### § 250.183 Basis for computing tax on distilled spirits.

The taxes on distilled spirits to be withdrawn under this subpart shall be computed on the basis of wine gallons, if below proof, or proof gallons, if 100 proof or above, in accordance with the proof ascertained by the revenue agent prior to entry of the spirits into the bonded rectification section, or bonded bottling section, pursuant to appropriate entries in records prescribed by the insular authorities.

(68A Stat. 907, 72 Stat. 1314; 26 U.S.C. 7652(a), 5001)

Section 250.184 is amended to read:

##### § 250.184 Procedural requirements.

Taxes shall be computed and paid at the rate(s) prescribed by law. The provisions of Subpart E of this part relative to bonds shall be applicable to liquors withdrawn under this subpart and for which payment of tax is to be deferred. The provisions of Subpart E of this part relative to the procurement of permits on Form 2899 and/or Form 2900, computation and payment of tax, release of liquors, procurement of permit to ship to the United States, and release for shipment, action by carrier, inspection by customs, and disposition of forms shall be applicable to liquors on which the tax is computed and paid on withdrawal after rectification or bottling.

Section 250.186 is amended to read:

##### § 250.186 Withdrawal for shipment to United States.

Withdrawal of liquors for shipment to the United States may be made only after all taxes have been paid or deferred as prescribed in this part.

[F.R. Doc. 60-11354; Filed, Dec. 6, 1960; 8:49 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### [ 25 CFR Part 52 ]

### TRIBAL REORGANIZATION UNDER SECTION 16 OF THE INDIAN REORGANIZATION ACT

#### Notice of Proposed Rule Making

*Basis and purpose.* Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Revised Statutes, sections 161, 463, and 465 (5 U.S.C. 22; 25 U.S.C. 2 and 9), it is proposed to add new Part 52 to Title 25 of the Code of Federal Regulations to read as set forth below. The purpose of this part is to establish regulations and provide policies and procedures for tribal reorganization under

section 16 of the Indian Reorganization Act.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed new part to the Bureau of Indian Affairs, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

GEORGE W. ABBOTT,  
Assistant Secretary of the Interior.

DECEMBER 1, 1960.

Part 52, Chapter I, Title 25 of the Code of Federal Regulations reads as follows:

- Sec. Definitions.
- 52.1 Eligibility for reorganization and for voting thereon.
- 52.2 Drafting of tribal constitutions and bylaws.
- 52.3 Adoption of a tribal constitution and/or bylaws and Secretarial election therefor.
- 52.4 Effect of an approved constitution.
- 52.5 Amendment and revocation of tribal constitutions and/or bylaws.
- 52.6 Tribal ordinances and resolutions.
- 52.7 Review of tribal ordinances and resolutions.
- 52.8 Denial of authority of governing body.
- 52.9 Secretarial elections.
- 52.10 Election Board.
- 52.11 District Election Boards.
- 52.12 Voting districts.
- 52.13 Voting list.
- 52.14 Eligibility disputes.
- 52.15 Election notices.
- 52.16 Opening and closing of polls.
- 52.17 Manner of voting.
- 52.18 Ballots.
- 52.19 Absentee voting.
- 52.20 Publication of election returns.
- 52.21 Contesting of election results.
- 52.22 Interpreters.
- 52.23 Electioneering.
- 52.24 Tribal elections.
- 52.25 Powers of the governing body.
- 52.26 Restrictions on tribal power.
- 52.27 Subordinate units.
- 52.28 Tribal membership.
- 52.29 List of Reorganized Tribes with constitutions in conformity with this part. [Reserved.]
- 52.101 List of Reorganized Tribes with constitutions approved under prior regulations.
- 52.102 List of tribes without constitutions approved pursuant to section 16 of the Indian Reorganization Act.

AUTHORITY: §§ 52.1 to 52.103 issued under 25 U.S.C. 476.

§ 52.1 Definitions.

- As used in this part:
  - (a) "Secretary" means the Secretary of the Interior or his duly authorized representative.
  - (b) "Officer in charge" means the Superintendent, Administrative Officer, or Field Representative, or other official of the local unit of the Bureau of Indian Affairs having administrative jurisdiction.
  - (c) "Indian" means all persons of Indian descent who are members of any recognized Indian tribe under Federal jurisdiction, and all persons who are descendants of such members who were,

on June 1, 1934, residing within the then boundaries of any reservation, and shall further include all other persons of one-half or more Indian blood. Eskimos and other aboriginal peoples of Alaska are also here considered as Indians.

(d) "Adult Indian" means any Indian who has attained the age of 21 years.

(e) "Tribe" means any Indian tribe, organized band, pueblo, or the Indians residing on one reservation.

(f) "Recognized tribe" means any Indian tribe which has entered into a treaty, convention, or executive agreement with the Federal government or whose tribal entity has been otherwise recognized by it.

(g) "Statutory tribe" means any Indian tribe organized pursuant to Federal statute other than the Indian Reorganization Act, the Alaska Act, and the Oklahoma Indian Welfare Act.

(h) "Reorganized tribe" means any Indian tribe reorganized under section 16 of the Indian Reorganization Act (June 18, 1934, c. 576, sec. 16, 48 Stat. 984, 25 U.S.C. 476); section 1 of the Alaska Act (May 1, 1936, c. 254, sec. 1, 49 Stat. 1250, 25 U.S.C. 473a); or section 3 of the Oklahoma Indian Welfare Act (June 26, 1936, c. 831, sec. 3, 49 Stat. 1967, 25 U.S.C. 503).

(i) "Reservation" means any area, regardless of the ownership thereof, set aside by treaty, Federal statute, presidential executive order, or through long administrative action for the use and occupancy of Indians, as identified in § 52.103.

(j) "Restricted lands" means lands or interests therein (1) title to which is in Indian tribes, corporations, associations, or individuals subject to Federal restrictions against alienation or (2) held in trust for them by the United States.

(k) "Constitution" or "constitution and bylaws" means the fundamental organic law of a tribe embodied within a written document or documents. Where there is no such written document it means the fundamental organic law implied in its institutions, usages, and customs.

(l) "Charter" means the written instrument of incorporation granted to a tribe by the Secretary pursuant to section 17 of the Indian Reorganization Act authorizing it to carry out the economic functions therein enumerated.

(m) "General council" means the entire tribal voting membership in council assembled.

(n) "Governing body" means the tribal council, the general council, or other unit which acts for the tribe pursuant to powers granted to it in the tribal constitution.

(o) "Tribal election" means an election held within a tribe pursuant to regulations prescribed by its constitution or by its governing body.

(p) "Secretarial election" means an election held within a tribe pursuant to regulations prescribed by the Secretary of the Interior.

(q) "Indian Reorganization Act" means the act of June 18, 1934 (48 Stat. 984, as amended, 25 U.S.C. 461, et seq.).

§ 52.2 Eligibility for reorganization and for voting thereon.

Any tribe, except the Osage Tribe in Oklahoma, which has voted to accept the terms of the Indian Reorganization Act is eligible to adopt a constitution and bylaws under section 16 thereof. All adult Indians of a single tribe may vote in an election held to adopt such a constitution and/or bylaws but there is a requirement of residence on a reservation when a constitution is adopted not by one tribe alone but by the "Indians residing on one reservation".

§ 52.3 Drafting of tribal constitution and bylaws.

The Department of the Interior will cooperate with and offer advice and assistance to any tribe in the drafting of a constitution and/or bylaws when so requested by its governing body or by any representative committee of the members of the tribe or when so requested by any representative committee authorized to represent the adult Indians residing on a reservation and desiring to form a tribe. The Secretary may also suggest for consideration the adoption of a proposed constitution and/or bylaws. Such constitution, in addition to all the powers vested in any tribe or its governing body by existing law, shall also vest in such tribe or its governing body those specified in section 16 of the Indian Reorganization Act.

§ 52.4 Adoption of a tribal constitution and/or bylaws and Secretarial election therefor.

Where there is presented to the Secretary for consideration by the governing body of a tribe or tribes residing on a reservation or by any representative committee or group authorized to represent the adult Indians residing on a reservation and desiring to form a tribe, a proposed constitution and/or bylaws which appear to meet their needs and to be in consonance with all applicable laws, treaties, and Secretarial regulations made pursuant to Federal statute and published in the Code of Federal Regulations or the FEDERAL REGISTER, the Secretary may call a special election for the adoption thereof by a majority of those actually voting provided the total vote cast is not less than 30 percent of those entitled to vote. This election shall be held pursuant to the regulations therefor set forth in §§ 52.10 through 52.24.

§ 52.5 Effect of an approved constitution.

A reorganized tribe is a corporation which is separate and distinct from the business corporation which may be formed under section 17 of the Indian Reorganization Act. The continued existence of the former is not essential to that of the latter. Its constitution may endow it with both governmental and proprietary functions in contrast to a tribal charter which grants only the latter function. An approved constitution where consistent with law shall prevail over any inconsistent regulation of the Department of the Interior.

### § 52.6 Amendment and revocation of tribal constitutions and/or bylaws.

A constitution and/or bylaws may be amended or revoked by means of a Secretarial election open to the same voters and conducted in the same manner as that held for their adoption, but amendments require the approval of the Secretary (25 U.S.C. 476). An election to amend a constitution may be called by the Secretary. An election to revoke a constitution shall be called if requested by the tribal governing body or by a petition presented to it by the majority of the adult members of the tribe, or by the Secretary.

### § 52.7 Tribal ordinances and resolutions.

Many of a tribe's constitutional powers are not self-executing and must be implemented by ordinances and resolutions of its governing body. These constitute respectively the tribe's written laws and the formal expression of its will. These do not need the approval of officials of the Department of the Interior unless required by treaty, Federal statute, regulation pursuant to statute or by the tribal constitution itself.

### § 52.8 Review of tribal ordinances and resolutions.

Where, pursuant to treaty, Federal statute, regulation pursuant to statute or tribal constitution, the Secretary is required to review or approve any tribal ordinance or resolution, his approval will be confined to those matters contained therein requiring his review. The Secretary may approve the resolution in whole or in part and/or may return the same to the governing body for separation, provided the authority to disapprove in part is exercised only where the disapproved part is determined to deal with separate and separable subjects. It would not be proper to use the disapproval power to amend a resolution by striking out a portion dealing with the same subject matter as the remaining portion of the resolution.

### § 52.9 Denial of authority of governing body.

When the Secretary finds that a governing body is acting outside the scope of its constitutional authority or inconsistent with law, he may refuse to acknowledge the authority or actions of the governing body.

### § 52.10 Secretarial elections.

Secretarial elections for the adoption, amendment, or revocation of a tribal constitution shall be conducted as indicated in §§ 52.11 through 52.25.

### § 52.11 Election Board.

(a) There shall be an Election Board consisting of the officer in charge, acting as chairman thereof, and four other persons appointed by him, all of whom must be able to read and write English. In addition, the officer in charge may appoint an interpreter and as many clerks as he deems necessary but they shall not be members of the Board.

(b) It shall be the duty of the Board to conduct elections in substantial com-

pliance with the procedures described in this part and in particular (1) to see that the name of each qualified person desiring to vote is on the official voting list, (2) that ballot boxes are kept locked at all times except when ballots are being counted, (3) that the ballot is cast by the voter himself and that thereupon the said list be checked to indicate this, (4) to count the regularly cast ballots immediately after the close of the polls, the absentee ballots immediately after expiration of the time for their receipt, and return all the ballots in the ballot boxes, which should be marked and locked together with all unused ballots, and the certified election returns, to the officer in charge.

### § 52.12 District Election Boards.

Where the reservation has been divided into voting districts either by the tribal constitution, ordinance, or resolution, or by the Election Board, the Election Board shall appoint District Election Boards for each district which shall have the duties above prescribed for the Election Board except that it should return the ballots in the ballot boxes, all unused ballots, and its certification of the district election results to the Election Board which will make the final recapitulation of the election results for the entire reservation and transmit it together with all the aforementioned ballots and ballot boxes to the officer in charge.

### § 52.13 Voting districts.

If voting districts have not already been delimited in the tribal constitution or by tribal ordinance or resolution, and in its judgment voting districts throughout the reservation are needed, the Election Board shall delimit them and designate a polling place for each district, taking into consideration the needs and convenience of tribal members. The regular voting places for State, County, and/or tribal elections shall be selected unless for sufficient reasons the Election Board decides to the contrary.

### § 52.14 Voting list.

The Election Board shall compile an official alphabetical voting list, arranged by voting districts, if any, of the members of the tribe who have attained the age of twenty-one years. A copy of this list shall be supplied to each District Election Board and also posted at the headquarters of the local administrative unit of the Bureau of Indian Affairs and at various public places designated by the Election Board throughout the reservation at least 20 days prior to the election.

### § 52.15 Eligibility disputes.

The Election Board shall determine any written claim to vote presented to it by one whose name is not on the official voting list as well as any written challenge of the right to vote of anyone whose name is on this list, and its decision shall be final. It shall set a date not more than ten or less than five days before the election to pass on all such matters. All claims not presented on or before this date shall be automatically disallowed.

### § 52.16 Election notices.

Not less than twenty (20) nor more than sixty (60) days' notice shall be given of an election unless so authorized by the Secretary. If an election is called upon less than twenty (20) days' notice, sick and absentee voters shall nevertheless be allowed twenty (20) days from the giving of such notice in which to mail or otherwise record their votes. The Election Board shall determine whether the notice shall be given by television, radio, newspaper, poster or mail, or by one or more of these methods and whether in an Indian language in addition to English. A copy of any written notice shall be mailed to each voter and posted at the local administrative unit of the Bureau of Indian Affairs and elsewhere as directed by the Election Board.

### § 52.17 Opening and closing of polls.

The polls shall remain open from 6 a.m. to 6 p.m. unless different hours are set by the Election Board and the voters informed thereof in the election notice.

### § 52.18 Manner of voting.

Any qualified voter may vote by presenting himself at the polls of his voting district within the prescribed voting period, announcing to the officials there his name and address and by marking and placing in the ballot box the ballot which shall be handed to him.

### § 52.19 Ballots.

The Election Board shall cause to be prepared and furnish all ballots but each ballot must be numbered and stamped:

Official Ballot  
(Facsimile Signature)  
Chairman, Election Board

Should any voter spoil or mutilate his ballot in the course of voting, he shall, in the presence of the election officials, and, with their consent, destroy it; the election officials shall then make note of the destroyed ballot and furnish the voter with another ballot.

### § 52.20 Absentee voting.

Whenever due to illness a qualified voter is not able to vote at the polls and duly causes the Election Board to be notified thereof and when absentee voting is permitted under the terms of the Indian Reorganization Act, he, as well as any non-resident voter, shall be entitled to vote by absentee ballot mailed or given to him or them by the Election Board, provided he or they do so within the time prescribed in § 52.16. The ballot must be returned to the Election Board in a sealed envelope marked on the outside "Absentee Ballot". The Election Board shall make and keep a record of ballots mailed, to whom mailed, the date of mailing, the address on the envelope, the date of the return of such ballot, and from whom received, and shall count and register all such votes after all other ballots have been counted, and include them in the results of the election.

### § 52.21 Publication of election returns.

(a) If the number of absentee ballots issued cannot affect the result of the election, the result shall be posted at

the local administrative unit of the Bureau of Indian Affairs and at such other places designated by the Election Board as soon as may be after it has been determined. If the result may be affected by the absentee ballots, the result shall be similarly determined and posted immediately after the time for receipt of such absentee ballots has expired.

(b) Ballots and ballot boxes should be kept under lock and key by the Election Board Chairman for six months after which time they may be destroyed.

§ 52.22 Contesting of election results.

Any qualified voter, within ten days following an election, may challenge the announced election results and request a recount by filing with the Secretary his grounds for the challenge, together with substantiating evidence thereof. If in the opinion of the Secretary, the objections are valid, he shall order a recount or a reelection. The results of the recount shall be final.

§ 52.23 Interpreters.

Interpreters where needed may be provided to explain the manner of voting to such Indians who ask for instruction, and assistance in actual marking of ballots may be rendered provided all reasonable precautions are taken so that the interpreter does not influence the voter in casting his ballot.

§ 52.24 Electioneering.

There shall be no electioneering during voting hours within 200 feet of any voting place.

§ 52.25 Tribal elections.

Tribal election regulations need not but may be the same as Secretarial election regulations except that no Bureau of Indian Affairs official may be a member of any Election Board. They may be modeled after those of the State in which the reservation is located so that in case of a dispute as to the meaning of an election ordinance it may be construed analogously to that of the State.

§ 52.26 Powers of the governing body.

Tribal constitutions should expressly confer upon the governing body those powers needed to perform tribal governmental functions within the area under its jurisdiction and those proprietary powers required to manage its property and resources and the governing body shall have all implied powers necessary to carry out these express governmental and proprietary powers.

§ 52.27 Restrictions on tribal power.

Where tribal power is restricted or otherwise controlled by treaty or statute, no constitutional provision, ordinance, or resolution contrary thereto shall be valid.

§ 52.28 Subordinate units.

A tribal constitution may confer on its governing body the right to establish subordinate units such as committees, boards, or tribal agents and to grant certain powers to them. Such a unit enjoys no legal existence independent of the tribe and has no authority greater

than that granted to it by the governing body of the tribe to whom it is answerable for its actions. A Federal corporation chartered under section 17 of the Indian Reorganization Act is not such a subordinate unit.

§ 52.29 Tribal membership.

Tribal constitutional provisions shall set forth the criteria for present and future tribal membership and all tribal ordinances and resolutions must be in strict conformity with the provisions in this part and any regulations thereon issued by the Secretary pursuant to Federal statute and published in the Code of Federal Regulations or the FEDERAL REGISTER. Tribal membership is ordinarily for life unless terminated by the governing body for reasons permitted by the tribal constitution or by the voluntary, written resignation of the member.

§ 52.101 List of Reorganized Tribes with constitutions in conformity with this part. [Reserved]

§ 52.102 List of Reorganized Tribes with constitutions approved under prior regulations.

*Name and Effective Date of Constitution or Amendment*

The Apache Tribe of the Mescalero Reservation, New Mexico; March 25, 1936.

The Bad River Band of the Lake Superior Tribe of Chippewa Indians, Wisconsin; June 20, 1936; amendment I, December 1, 1942; amendment II, October 31, 1944.

The Bay Mills Indian Community, Michigan; November 4, 1936; amended November 27, 1937.

The Big Valley Band of Pomo Indians of the Big Valley Rancheria, California; January 15, 1936; amended May 13, 1940.

The Blackfeet Tribe of the Blackfeet Indian Reservation, Montana; December 13, 1935; amendment I, January 18, 1946; amendment II, May 24, 1950.

The Cachil Dehe Band of Wintun Indians of the Colusa Indian Community, California; November 23, 1941.

The Catawba Tribe of Indians, South Carolina; June 30, 1944.

The Cheyenne River Sioux Tribe, South Dakota; December 27, 1935.

The Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana; November 23, 1935.

The Colorado River Indian Tribes of the Colorado River Reservation, Arizona and California; August 13, 1937.

The Covelo Indian Community, California; December 16, 1936; amended February 24, 1959.

The Duckwater Tribe of Indians of the Duckwater Reservation, Nevada; November 28, 1940; amendment I, June 6, 1944.

The Flandreau Santee Sioux Tribe, South Dakota; April 24, 1936; amended January 6, 1941, and March 17, 1950.

The Forest County Potawatomi Community, Wisconsin; February 6, 1937.

The Fort Belknap Indian Community, Montana; December 13, 1935; amended February 7, 1944.

The Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; June 29, 1936; amended October 16, 1956.

The Fort Bidwell Indian Community, California; January 28, 1936; amended June 8, 1940, and February 4, 1942.

The Fort McDermitt Paiute and Shoshone Tribe, Nevada; July 2, 1936.

The Fort McDowell Mohave-Apache Community, Arizona; November 24, 1936.

The Gila River Pima-Maricopa Indian Community, Arizona; May 14, 1936; amended September 9, 1946, and March 17, 1960.

The Confederated Tribes of the Goshute Reservation in Utah; November 25, 1940.

The Hannahville Indian Community, Michigan; July 23, 1936.

The Havasupai Tribe of the Havasupai Reservation, Arizona; March 27, 1939.

The Hopi Indian Tribe, Arizona; December 19, 1936.

The Hualapai Tribe of the Hualapai Reservation, Arizona; December 17, 1938; amended September 20, 1948, and October 22, 1955.

The Iowa Tribe in Nebraska and Kansas; February 26, 1937.

The Jicarilla Apache Tribe of New Mexico; August 4, 1937; amended July 11, 1960.

The Kaibab Band of Paiute Indians of the Kaibab Reservation, Arizona; June 15, 1951.

The Kalispel Indian Community of the Kalispel Reservation, Washington; March 24, 1938.

The Kashia Band of Pomo Indians of the Stewart's Point Rancheria, California; March 11, 1936; amended May 19, 1940.

The Keweenaw Bay Indian Community, Michigan; December 17, 1936.

The Kickapoo Tribe in Kansas; February 26, 1937.

The Lac du Flambeau Band of the Lake Superior Chippewa Indians of Wisconsin; August 15, 1936; amendment I, November 8, 1941; amendment II, June 2, 1945.

The Lower Brule Sioux Tribe, South Dakota; November 27, 1935; amended February 4, 1942.

The Lower Sioux Indian Community in the State of Minnesota; June 11, 1936.

The Makah Indian Tribe, Washington; May 16, 1936.

The Manchester Band of Pomo Indians of the Manchester Rancheria, California; March 11, 1936; amended May 27, 1939.

The Me-wuk Indian Community of the Wilton Rancheria, California; January 15, 1936; amended May 21, 1940.

The Minnesota Chippewa Tribe; July 24, 1936.

The Mississippi Band of Choctaw Indians; May 22, 1945.

The Moapa Band of Paiute Indians; April 17, 1942.

The Muckleshoot Indian Tribe, Washington; May 13, 1936.

The Nisqually Indian Community, Washington; September 9, 1946.

The Northern Cheyenne Tribe, Montana; November 23, 1935; amended July 8, 1960.

The Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; January 15, 1936.

The Omaha Tribe of Nebraska; March 30, 1936; amended July 9, 1954.

The Oneida Tribe of Indians of Wisconsin; December 21, 1936; amended June 3, 1939.

The Papago Tribe, Arizona; January 6, 1937; amended May 9, 1960.

The Ponca Tribe of Native Americans, Nebraska; April 3, 1936.

The Port Gamble Indian Community, Washington; September 7, 1939; amended January 23, 1948.

The Prairie Island Indian Community in the State of Minnesota; June 20, 1936.

The Pueblo of Isleta, New Mexico; March 27, 1947.

The Pueblo of Laguna, New Mexico; December 21, 1949; amended November 10, 1958.

The Pueblo of Santa Clara, New Mexico; December 20, 1935; amended December 19, 1939.

The Puyallup Tribe, Washington; May 13, 1936.

The Pyramid Lake Paiute Tribe, Nevada; January 15, 1936.

The Quartz Valley Indian Community, California; June 15, 1939.

The Quechan Tribe, California; December 18, 1936.

## PROPOSED RULE MAKING

The Quileute Tribe of the Quileute Reservation, Washington; November 11, 1936; amended March 11, 1939.

The Red Cliff Band of Lake Superior Chippewa Indians, Wisconsin; June 1, 1936.  
The Reno-Sparks Indian Colony, Nevada; January 15, 1936.

The Rosebud Sioux Tribe, South Dakota; December 20, 1935.

The Sac and Fox Tribe of the Mississippi in Iowa; December 20, 1937.

The Sac and Fox Tribe of Missouri (Kansas and Nebraska); March 2, 1937; amended November 25, 1943.

The Seminole Tribe of Florida; August 21, 1957; amendments I, II, III and IV, July 21, 1959.

The Saginaw Chippewa Indian Tribe of Michigan; May 6, 1937.

The Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana; October 28, 1935; amended December 22, 1948 and April 1, 1960.

The St. Croix Chippewa Indians of Wisconsin; November 12, 1942.

The Salt River Pima-Maricopa Community of the Salt River Reservation, Arizona; June 11, 1940.

The San Carlos Apache Tribe, Arizona; January 17, 1936; amended February 23, 24, 1954.

The Santee Sioux Tribe of Nebraska; April 3, 1936.

The Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho; April 30, 1936.

The Shoshone Paiute Tribes of the Duck Valley Reservation, Nevada; April 20, 1936.

The Skokomish Indian Tribe of the Skokomish Reservation, Washington; May 3, 1938.

The Sokaogon Chippewa Community, Wisconsin; November 9, 1938.

The Southern Ute Tribe of the Southern Ute Reservation, Colorado; November 4, 1936; amendment I, October 15, 1942; amendment II, February 28, 1946.

The Stockbridge-Munsee Community, Wisconsin; November 18, 1937.

The Swinomish Indian Tribal Community, Washington; January 27, 1936; amended April 17, 1950.

The Te-Moak Bands of Western Shoshone Indians of Nevada; August 24, 1938.

The Tulalip Tribes, Washington; January 24, 1936; amended March 8, 1941, and June 23, 1948.

The Tule River Indian Tribe, California; January 15, 1936; amended May 24, 1940, and March 21, 1956.

The Tuolumne of Me-wuk Indians of the Tuolumne Rancheria, California; January 15, 1936; amended May 25, 1940.

The Upper Lake Pomo Indian Community; January 15, 1936; amended May 16, 1940, and October 22, 1941.

The Ute Indian Tribe of the Uintah and Ouray Reservation, Utah; January 19, 1937.

The Ute Mountain Tribe of the Ute Mountain Reservation, Colorado; June 6, 1940; amended February 7, 1950.

The Walker River Paiute Tribe, Nevada; March 26, 1937; amended July 12, 1945.

The Confederated Tribes of the Warm Springs Reservation, Oregon; February 14, 1938; amended May 15, 1940, May 20, 1948, May 16, 1950, and October 23, 1953.

The Washoe Tribe, Nevada; January 24, 1936.

The White Mountain Apache Tribe, Arizona; August 25, 1938; amended June 30, 1958.

The Winnebago Tribe of Nebraska; April 3, 1936.

The Yavapai Apache Indian Community, Arizona; February 12, 1937; amended August 5, 1947.

The Yerington Paiute Tribe, Nevada; January 4, 1937.

The Yomba Shoshone Tribe, Nevada; December 20, 1939.

**§ 52.103 List of tribes without constitutions approved pursuant to Section 16 of the Indian Reorganization Act.**

ARIZONA	
Ak Chin.	Cocopah.
CALIFORNIA	
Alturas.	Millerton.
Capitan Grande.	Rumsay.
Cedarville.	San Pasqual.
Colfax.	Santa Rosa
Cortina.	(Sacramento).
Coyote Valley.	Santa Ynez.
Cuyapalpe.	Sebastopol.
Grindstone Creek.	Sheep Ranch.
Jackson.	Strathmore.
La Posta.	Sulphur Banks.
Laguna.	Susanville.
Likely.	Taylorville.
Lookout.	Trinidad.
Manzanita.	
LOUISIANA	
Chitimacha.	
MINNESOTA	
Red Lake.	
NEVADA	
Battle Mountain.	Las Vegas Tract.
Ely.	Lovelock.
Gandy.	Skull Valley.
Indian Ranch.	Summit Lake.
NORTH CAROLINA	
Eastern Cherokee.	
NORTH DAKOTA	
Standing Rock Sioux.	
OREGON	
Burns.	
SOUTH DAKOTA	
Yankton Sioux.	
UTAH	
Cedar City.	Washakie.
WASHINGTON	
Clallam.	Port Madison.
Hoh.	Quinalt.
Nooksak.	Skagit—Sulattle.
Ozette.	
WISCONSIN	
Lac Courte Oreilles.	Menominee.

[F.R. Doc. 60-11340; Filed, Dec. 6, 1960; 8:46 a.m.]

## DEPARTMENT OF LABOR

### Division of Public Contracts

[ 41 CFR Part 50-202 ]

## PHOTOGRAPHIC AND BLUEPRINTING EQUIPMENT AND SUPPLIES INDUSTRY

### Tentative Decision in Determination of Prevailing Minimum Wages

A record of proceedings held under sections 1 and 10 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 and 45(a)) to determine the prevailing minimum wages for persons employed in the photographic and blueprinting equipment and supplies industry has been certified by the hearing examiner. A tentative decision, including a statement of findings and conclusions, as well as the

reasons and basis therefor, on all material issues of fact, law, and discretion presented on the record, and any proposed wage determination is now appropriate under the rules of practice, 41 CFR Part 50-203.21(b), and the Administrative Procedure Act (5 U.S.C. 1006(b)).

*Definition.* The notice of hearing defined the photographic and blueprinting equipment and supplies industry as that industry which manufactures or furnishes photographic or blueprinting equipment and supplies.

(1) Photographic equipment and supplies was defined to include all types of still and motion-picture cameras; projection apparatus, including screens; lenses; shutters; photocopy and microfilm equipment; developing and dark-room equipment, including developing tanks and machines, enlargers, plates and film holders, and prepared developers, toners and fixers; lighting equipment, such as studio-type or other floodlighting and flash units; tripods; film reels; and sensitized film, paper and plates.

Expressly excluded were the making, processing or finishing of photographs or photographic reproductions of any kind, including still or motion pictures; photographic meters; photoflash, power pack and other batteries; and photographic bulbs, tubes, and related light sources.

(2) Blueprinting equipment and supplies was defined to include machines and other apparatus and equipment used in blueprinting, the diazotype process (whiteprinting), and other related processes; sensitized blueprint paper and cloth, diazotype sensitized paper, cloth, film, and other similarly sensitized materials; and specially prepared developing solutions intended for use with such sensitized materials, but excluding the manufacture of blueprints or diazoprints (whiteprints).

Neither the management nor labor groups challenge the appropriateness of the definition as proposed in the notice of hearing. The content of the definition is not substantially different from the one currently in effect (41 CFR 50-202.30). After full consideration of the record, I find that the definition as proposed in the notice is appropriate for this industry.

*Product division.* In the wage determination currently in effect (41 CFR 50-202.30), there are separate determinations for two branches of this industry, photographic equipment and supplies, and blueprinting equipment and supplies. The same minimum wage was determined for each of them.

In the present proceedings, the management groups, the National Association of Photographic Manufacturers, representing the photographic branch, and the National Association of Blueprint and Diazotype Coaters, representing the blueprinting branch, made no recommendations concerning the advisability of separate determinations for the two branches. The labor group, represented by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), states that

there should be a single determination, with no special distinction between the photographic and the blueprinting branches.

While there is evidence relating to the diversity of products and composition of the labor force within the industry, there would seem to be greater divergence between establishments within the photographic equipment and supplies branch than there is between this branch and the blueprinting equipment and supplies branch. All the products of the industry, photographic and blueprinting, are classified in the same Standard Industrial Classification industry, No. 3861—Photographic Equipment and Supplies, with the sole exception of photographic lenses, which are classified with Optical Instruments and Lenses, No. 3831. The evidence indicates a number of establishments whose primary product is in each branch also produce products of the other. There is not a large difference between the minimum wages characteristic of each branch. The median establishment in the blueprinting branch pays a minimum wage of \$1.47, whereas \$1.40 is the comparable figure for the photographic branch. Establishments employing a majority of covered workers in the blueprinting branch had a lowest minimum wage of \$1.53, as compared with \$1.55 for the photographic establishments. Based upon these considerations, I find that the redetermination should be for the industry as a whole, without product division.

*Locality.* The notice of hearing informed interested persons that they could appear at the hearing and submit evidence, views, and arguments as to whether there should be a single determination for all the area in which the industry operates or separate determinations for smaller geographic areas (including the appropriate limits for such areas). Neither the National Association of Photographic Manufacturers nor the National Association of Blueprint and Dazotype Coaters took a position on this issue. The labor witness opposed such division on the ground that there is industrywide competition for the contracts which would be subject to the determination.

The wage survey divides the nation into four geographic localities worked out cooperatively with the management group. The calendar year 1958 was selected as a sample to investigate whether the locality of manufacture of products which would be subject to this determination could be defined more narrowly than all that area in which the industry has its plants based on the destination for such products specified in the various solicitations for offers and invitations for bids.

Approximately 70 percent of the procurement in this industry was found to result from such solicitations and offers originating with the military establishments and the Veterans Administration. Each of the four geographic localities made both successful and unsuccessful bids contemplating delivery of its product into each of the other three regions. Slightly less than two-thirds of the

unsuccessful bids and slightly more than two-thirds of the successful bids contemplated inter-regional delivery. Twenty-eight percent of the total procurement in the industry was governed by the General Services Administration Federal Supply Schedules compiled under the multiple award system. In each of the four localities 31 percent to 75 percent of the establishments were operated by contractors who obligated themselves to deliver from such establishments at least one item anywhere in the United States at the same price. This obligation extended to 61 percent of the items in this portion of the procurement. A comparable picture of industry-wide competition is presented by the tabular analyses of the several other systems of procurement in this industry.

Under all these circumstances, separate determinations for separate geographic areas would not be in accord with the purposes of the Act, and I find that the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under contracts subject to the Act in the photographic and blueprinting equipment and supplies industry cannot be defined for any particular contract more narrowly than all of that area in which the industry has its establishments.

*Prevailing Minimum Wages.* The American Federation of Labor and Congress of Industrial Organizations urges that as of the wage survey date a rate of \$1.55 per hour was the prevailing minimum wage for both branches of the industry in all of the area where the industry has its plants. It opposes any special minimum wage determination for beginners. In addition, it would add to the \$1.55 figure eight cents to represent increases in the prevailing minimum wage which have occurred since the survey date. The result is recommendation of \$1.63 per hour for both branches of the industry as the prevailing minimum wage in all of the area where the industry has its plants. The National Association of Photographic Manufacturers requests that I give careful consideration to a rate not to exceed \$1.30. The National Association of Blueprinting and Dazotype Coaters makes no recommendation regarding prevailing minimum wages.

The labor proposal of \$1.55 as of the time of the survey is based on the tables of minimum wages actually paid. A large majority of covered workers (71.8 percent) were employed in plants where no covered worker was paid less than this amount, although these were less than a majority of all of the plants (32.1 percent). Taking cognizance of the influence on the wage data by the single largest plant in the industry with 17,357 covered workers, the unions point out that even excluding the data for this one plant, 43.4 percent of the plants with a majority of the covered employment paid no covered worker less than \$1.48.

The National Association of Photographic Manufacturers observes that a higher rate than its recommended \$1.30 would exceed the lowest rate paid in 41.8 percent of all establishments; any higher rate would also exceed the lowest rate of

44.7 percent of the small establishments and the lowest established hiring rate in 47 percent of all establishments. An examination of the Bureau of Labor Statistics tables reveals that a minimum rate of \$1.30 or more was actually paid by 62 percent of the establishments with 83.9 percent of all covered workers. Even a consideration of the data concerning size of establishments indicates that this rate was actually paid by 57.8 percent of establishments employing 100 or less workers with 51.2 percent of the total covered employment in such establishments. Similarly, 58.1 percent of all establishments with 88.3 percent of total covered employment had a lowest established hiring rate or paid a lowest rate of \$1.30 or more in the photographic branch. Obviously, the evidence does not support a rate as low as \$1.30 as the prevailing minimum wage in this industry.

Before making the determination of the prevailing minimum wage, it is necessary to decide whether or not a tolerance will be provided for beginners, defined as new inexperienced covered employees receiving orientation or initial training and receiving an hourly rate or straight-time hourly earnings below those of the lowest paid experienced workers in the same job. Both labor and management groups agreed prior to the hearing that the practice of employing beginners was not prevalent in this industry and for this reason data on beginners' rates were not collected by the Bureau of Labor Statistics in its survey. At the hearing, the labor group recommended that no tolerance for beginners be allowed and the management groups acquiesced by their silence on this issue. In view of these considerations, the objectives of the Act will be more fully accomplished by not providing a separate rate for beginners.

The data showing the lowest wages actually paid indicate that the minimum wage paid by the median establishment was \$1.40 an hour, but the minimum wage paid by the median of the several establishments weighted for employment was \$1.55 an hour. However, the latter minimum wage was greatly affected by employment in the largest plant of the industry, which paid that minimum wage and which employed 49.9 percent, or about one-half, of all covered workers. Establishments paying more than the minimum wage of \$1.55 employed only 21.9 percent of the covered workers, while those paying less employed only 28.2 percent of the covered workers. Because of this dominant effect of the largest plant in terms of employment, I deem it appropriate to balance its minimum wage against those of the remaining plants of the industry, which employ the remaining half of the covered workers, and which have a median minimum wage of \$1.40. This results in a minimum wage that lies in the penny interval between \$1.47 and \$1.48. I conclude, therefore, that \$1.47 was the prevailing minimum wage as of the survey date.

The unions advocate that there be added to the prevailing minimum wage 8 cents for wage increases between the date of the survey and the hearing date.

Although the unions did not undertake a survey of increases on a plant-by-plant basis, they did submit data of wage increases in 11 establishments in the industry with 20,439 employees. Amounts of the increases ranged from 4 cents to 8 cents an hour, or from 3 percent to 5 percent. In addition, they presented data derived from the Bureau of Labor Statistics monthly earnings series, which showed that between January 1959 and December 1959, gross average hourly earnings had increased by 12 cents, 4 cents of which resulted from overtime premium pay. There is evidence that the largest establishment in this industry with about one-half of the total covered employment of the industry granted a 5 percent wage increase in late January 1959. Again, by weighting the other establishments so as not to give undue prominence to this establishment, I find that there has been a five cent wage increase in this industry from the survey date to the hearing date. It is conceded that this large establishment increased its minimum wage by eight cents per hour. A mathematical analysis of the available evidence on wage increases would indicate that the other establishments in the industry have increased their minimum wage rates by an average of one to two cents an hour. These two figures average approximately five cents per hour and justify a five-cent figure. This tentative decision determines that the prevailing minimum wage has increased five cents per hour from the \$1.47 it was in January-February 1959, and that it is \$1.52 per hour.

Accordingly, upon the findings and conclusions stated herein, pursuant to authority under the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35 et seq.), and in accordance with the Administrative Procedure Act (60 Stat. 237; 5 U.S.C. 1001 et seq.), notice is hereby given that I propose to amend 41 CFR 50-202.30 to read as follows:

**§ 50-202.30 Photographic and blueprinting equipment and supplies industry.**

(a) *Definition.* The photographic and blueprinting equipment and supplies industry is that industry which manufactures or furnishes:

(1) Photographic equipment and supplies which include all types of still and motion-picture cameras; projection apparatus, including screens; lenses; shutters; photocopy and microfilm equipment; developing and dark-room equipment, including developing tanks and machines, enlargers, plates and film holders, and prepared developers, toners and fixers; lighting equipment, such as studio-type or other floodlighting and flash units; tripods; film reels; and sensitized film, paper, and plates.

Expressly excluded are the making, processing, or finishing of photographs or photographic reproductions of any kind, including still or motion-pictures; photographic meters; photoflash, power pack and other batteries; and photographic bulbs, tubes, and related light sources.

(2) Blueprinting equipment and supplies which include machines and other apparatus and equipment used in blue-

printing, the diazotype process (white-printing), and other related processes; sensitized blueprint paper and cloth, diazotype sensitized paper, cloth, film, and other similarly sensitized materials; and specially prepared developing solutions intended for use with such sensitized materials, but excluding the manufacture of blueprints or diazoprints (whiteprints).

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the photographic and blueprinting equipment and supplies industry under contracts subject to the Walsh-Healey Public Contract Act shall be not less than \$1.52 per hour, arrived at either on a time or piece-rate basis.

(c) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

Within thirty days from the date of the publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions, together with supporting reasons, to the tentative decision above set out. Exceptions should be directed to the Secretary of Labor and filed with the Chief Hearing Examiner, Room 4414, United States Department of Labor, Washington 25, D.C.

Signed at Washington, D.C., this 2d day of December 1960.

JAMES P. MITCHELL,  
Secretary of Labor.

[F.R. Doc. 60-11360; Filed, Dec. 6, 1960; 8:50 a.m.]

## FEDERAL AVIATION AGENCY

### [ 14 CFR Part 43 ]

[Reg. Docket No. 580; Draft Release No. 60-18]

#### CERTAIN AIRPLANES USED FOR AIR CARRIER AND COMMERCIAL OPERATOR FLIGHT CHECKS OR TRAINING FLIGHTS, FERRY FLIGHTS, AND AIRWORTHINESS TEST FLIGHTS

##### Installation and Use of Flight Recorders

###### Correction

In F.R. Document 60-11085 appearing in the issue for Wednesday, November 30, 1960, at page 12250, the bracket at the beginning of the document should read as set forth above.

### [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-WA-262]

#### FEDERAL AIRWAYS AND CONTROL AREAS

##### Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the

Federal Aviation Agency is considering an amendment to §§ 600.6300, 600.6471, 601.6300 and 601.6471 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 300 extends in part from the United States/Canadian border to the Millinocket, Maine, VOR. VOR Federal airway No. 471 extends in part from the Millinocket VOR to the Houlton, Maine, VOR.

The Federal Aviation Agency has under consideration proposals by the Canadian Department of Transport for the extension of Victor 300 and its associated control areas from the Millinocket VOR to a VOR being installed near Fredrickton, New Brunswick, at latitude 45°53'43" N., longitude 66°25'10" W.; and extension of Victor 471 and its associated control areas from the Houlton VOR to the intersection of the Houlton VOR 085° True radial and the northwest course of the Fredrickton radio range (Burtts Intersection), where it would terminate. The extension of these airways would provide routes for VOR equipped aircraft operating between Millinocket, Houlton and Fredrickton.

If these actions are taken:

A segment of VOR Federal airway No. 300 and associated control areas would be designated from the Millinocket, Maine, VOR to the intersection of the Millinocket VOR 078° True radial and the United States/Canadian border.

A segment of VOR Federal airway No. 471 and associated control areas would be designated from the Houlton, Maine, VOR to the intersection of the Houlton VOR 085° True radial and the United States/Canadian border.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 30, 1960.

CHARLES W. CARMODY,  
Chief, Airspace Utilization Division.

[F.R. Doc. 60-11327; Filed, Dec. 6, 1960;  
8:45 a.m.]

**[ 14 CFR Part 601 ]**

[Airspace Docket No. 60-NY-106]

**CONTROL ZONES**

**Alteration**

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2360 of the regulations of the Administrator, the substance of which is stated below.

The South Weymouth, Mass., control zone is presently designated within a 4-mile radius of the South Weymouth Naval Air Station and within 1½ miles east and 2½ miles west of and parallel to a line bearing 155° True extending from the Naval Air Station to a point 10 miles southeast of the South Weymouth nondirectional radio beacon.

The Federal Aviation Agency has under consideration the following alterations to this control zone:

1. Enlarge the 4-mile radius zone to a 5-mile radius zone. This enlargement of the radius zone would provide protection for large heavily laden aircraft arriving and departing the South Weymouth NAS.
2. Alter the control zone extension based on the 155° True bearing from the

Naval Air Station. It is proposed to redesignate this extension within 2 miles either side of the 336° True bearing from the South Weymouth radio beacon, extending from the 5-mile radius zone to the radio beacon. This altered extension would provide protection for aircraft executing revised ADF instrument approach procedures at the Naval Air Station.

3. Designate a control zone extension within 2 miles either side of the 165° True radial of the South Weymouth TACAN (latitude 42°09'05" N., longitude 70°56'82" W.), extending from the 5-mile radius zone to 7 miles south of the TACAN. This extension would provide protection for aircraft executing the prescribed TACAN instrument approach procedures at the Naval Air Station.

If these actions are taken, the South Weymouth, Mass., control zone would be redesignated within a 5-mile radius of the South Weymouth NAS (latitude 42°08'55" N., longitude 70°56'25" W.) within 2 miles either side of the 336° True bearing from the South Weymouth radio beacon extending from the 5-mile radius zone to the radio beacon; and within 2 miles either side of the 165° True radial of the South Weymouth TACAN extending from the 5-mile radius zone to 7 miles south of the TACAN.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New

York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 30, 1960.

CHARLES W. CARMODY,  
Chief, Airspace Utilization Division.

[F.R. Doc. 60-11328; Filed, Dec. 6, 1960;  
8:45 a.m.]

# Notices

## DEPARTMENT OF STATE

[Public Notice 177]

### REVOCATION OF DELEGATIONS OF AUTHORITY

Pursuant to the authority contained in section 4 of Public Law 73, 81st Congress, as amended, the following Delegations of Authority are hereby revoked:

1. Delegation of Authority to the Chief, Division of Exchange of Persons, Office of Educational Exchange, dated December 21, 1949 (Public Notice #20 dated January 5, 1950; 15 F.R. 21).

2. Delegation of Authority to the Chief, Federal Programs Branch, and Chief, Fulbright Programs Branch, Division of Exchange of Persons, dated May 19, 1950 (Public Notice #46 dated May 26, 1950; 15 F.R. 3237).

The revocation of the above mentioned Delegations of Authority does not affect other Delegations of Authority relating to the same subject matter.

Dated: November 18, 1960.

For the Secretary of State.

LANE DWINELL,  
*Assistant Secretary of State  
for Administration.*

[F.R. Doc. 60-11356; Filed, Dec. 6, 1960;  
8:49 a.m.]

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[Order 36 (Rev. 1)]

### DIRECTOR OF INTERNATIONAL OPERATIONS

#### Delegation of Authority Extended to Panama Canal Zone, Puerto Rico and Virgin Islands

NOVEMBER 23, 1960.

Pursuant to the authority vested in me by Commissioner Delegation Order No. 33, dated June 6, 1956, it is hereby ordered:

1. Subject to the limitations contained in paragraph 2, there are delegated to the Director of International Operations the functions of administering the United States internal revenue laws in the Panama Canal Zone, Puerto Rico, and the Virgin Islands of the United States, and in all other areas of the world outside the United States, to the extent of the authority delegated by Commissioner Delegation Order No. 32, dated May 1, 1956.

2. Nothing in this order shall be deemed to affect the procedures for administrative appeal existing immediately prior to August 1, 1956, or any function of the Assistant Regional Commissioner (Alcohol and Tobacco Tax), New York City Region.

This order supersedes Delegation Order No. 36, which was effective August 1,

12526

1956, and is issued for the sole purpose of eliminating from the latter order the words "and the territories of Alaska and Hawaii".

Effective date: November 23, 1960.

[SEAL] WILLIAM H. LOEB,  
*Assistant Commissioner (Operations).*  
[F.R. Doc. 60-11353; Filed, Dec. 6, 1960;  
8:49 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### ALASKA

#### Amendment to Small Tract Classification No. 110

APRIL 9, 1956.

1. Pursuant to authority delegated to the Alaska Operations Supervisor by Bureau Order 541, dated April 21, 1954 (19 F.R. 2473), as amended, the following described lands were classified as suitable for lease and sale for recreational purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended:

FAIRBANKS MERIDIAN

T. 7 S., R. 5 E.,  
Section 13: SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

Containing 40 acres.

2. Classification of the above described lands segregated them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified in the above noted Order are not subject to application under the Small Tract Act of June 1, 1938, as amended, until so provided by an order, as provided for by paragraph three of the Order, to be issued by an authorized officer opening the lands.

4. Small Tract Classification Order No. 110, dated April 9, 1956, is hereby amended by the addition of the following paragraph:

Nothing in this order shall preclude application for state selection in accordance with and subject to the provisions of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b) and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

RICHARD L. QUINTUS,  
*Operations Supervisor, Fairbanks.*

[F.R. Doc. 60-11363; Filed, Dec. 6, 1960;  
8:50 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 11925]

### AERONAVES DE MEXICO, S.A.

#### Notice of Prehearing Conference

In the matter of the application of Aeronaves de Mexico, S.A. under section

402 of the Federal Aviation Act of 1958, as amended, for a foreign air carrier permit authorizing air transportation of passengers, property and mail between the terminal point Mexico City, Mexico and the terminal point New York, New York via the intermediate point Washington, D.C. and beyond the terminal point New York, New York to Europe; between the terminal points Mazatlan, Mexico, Torreon, Mexico and Monterrey, Mexico and the terminal point San Antonio, Texas via intermediate points in Mexico; between the terminal point Hermosillo, Mexico and the terminal point Tucson, Arizona via intermediate points in Mexico.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on December 9, 1960, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., December 1, 1960.

[SEAL] FRANCIS W. BROWN,  
*Chief Examiner.*

[F.R. Doc. 60-11364; Filed, Dec. 6, 1960;  
8:50 a.m.]

[Docket 11894]

### COMPANIA MEXICANA DE AVIACION, S.A.

#### Notice of Hearing

In the matter of the application of Compania Mexicana de Aviacion, S.A., for amendment of its foreign air carrier permit.

Notice is hereby given, pursuant to the provisions of The Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on December 20, 1960, at 10:00 a.m. (Local Time) in Room 725, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., November 30, 1960.

[SEAL] FRANCIS W. BROWN,  
*Chief Examiner.*

[F.R. Doc. 60-11365; Filed, Dec. 6, 1960;  
8:51 a.m.]

[Docket Nos. 11482, 11486]

### OZARK AIR LINES, INC., AND AMERICAN AIRLINES, INC.

#### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on January 9, 1961, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida

Avenues NW., Washington, D.C., before Examiner Curtis C. Henderson.

Dated at Washington, D.C., December 1, 1960.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 60-11366; Filed, Dec. 6, 1960;  
8:51 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. CP61-101]

### NORTHERN NATURAL GAS CO.

#### Notice of Application and Date of Hearing

NOVEMBER 30, 1960.

Take notice that on September 30, 1960, as supplemented on October 27, 1960, Northern Natural Gas Company, 2223 Dodge Street, Omaha 1, Nebraska, (Applicant), filed in Docket No. CP61-101 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to acquire by merger and operate all of the existing jurisdictional natural gas facilities presently owned and operated by Permian Basin Pipeline Company (Permian), all as more fully set forth in the application and exhibits, as supplemented, which are on file with the Commission and open to public inspection.

Permian owns and operates a natural gas pipeline system consisting of approximately 787 miles of main, gathering and supply pipelines, 19 compressor stations with a total of 77,150 installed horsepower, various processing plants and other related facilities. Through these facilities, Permian transports natural gas obtained in West Texas and in Lea County, New Mexico, to its Plains Measuring Station in Yoakum County, Texas, for delivery and sale to Applicant in quantities up to 475,000 Mcf per day (actually delivered at Plains Station to facilities of El Paso Natural Gas Company, which, in turn, delivers equivalent volumes to Applicant near Dumas, Texas, and in Beaver County, Oklahoma). Permian also transports up to 225,000 Mcf per day for El Paso, and sells gas to Pioneer Natural Gas Company for resale, as well as a number of small intrastate sales, mainly for irrigation purposes.

Applicant presently owns approximately 93 percent of the common stock and approximately 58 percent of the preferred stock of Permian, plus all of the \$15,460,000 of sinking fund promissory notes outstanding. Applicant proposes to exchange 0.45 of a share of its own common stock for each share of Permian's common stock not owned by Applicant, and one share of its own preferred stock for each share of Permian's preferred stock not owned by Applicant. Applicant will then cancel all of its Permian stock. Applicant will also assume all the corporate debts and liabilities of Permian and will cancel all intercorporate debts.

Applicant will record the acquired facilities at original cost and related depreciation reserve on its books as they are now carried on Permian's books, namely, original cost of utility plant as of June 30, 1960, \$76,806,162, with a related reserve for depreciation of \$14,339,399, or a depreciated investment of \$62,466,763. There will be no acquisition adjustment.

Applicant will adopt Permian's filed FPC Gas Tariff, with the exception of Rate Schedule P-1 (under which the sale to Applicant is made) which will be cancelled.

Applicant states that the proposed merger will eliminate duplication of fees, accounting and administration expenses, and the filing of separate reports to Federal and state agencies. Eliminating duplication of certain franchise and personal taxes would save the simplified corporation \$174,338 per year, based on 1959 figures, it is claimed. The merger would simplify the physical operation of the combined systems, eliminate the need to maintain separate accounts for Permian's operations and inter-company transactions and result in savings to Applicant and its customers.

No abandonment of service will result from the proposed merger as Applicant will continue to render all the services now rendered by Permian.

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 December 22, 1960 at 9:30 a.m., e.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 December 20, 1960. 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.

MICHAEL J. FARRELL,  
Acting Secretary.

[F.R. Doc. 60-11329; Filed, Dec. 6, 1960;  
8:45 a.m.]

[Docket No. RI61-264]

### SINCLAIR OIL & GAS CO.

#### Order Providing for Hearing on and Suspension of Proposed Change in Rate and Making Rate Effective Upon Filing of Agreement and Undertaking

NOVEMBER 30, 1960.

On October 31, 1960, Sinclair Oil & Gas Company<sup>1</sup> (Sinclair) tendered for filing a proposed change in a presently effective rate schedule for its jurisdictional sales of natural gas to Southern Natural Gas Company (Southern Natural) in Southern Louisiana, from Duck Lake and Lake Sand Fields in St. Mary, St. Martin and Iberia Parishes, Louisiana. The delivery of this gas is effectuated through an exchange agreement between Sinclair and Humble Oil & Refining Company (Humble) whereby gas produced by Sinclair in the Pledger Field, Brazoria County, Texas, is delivered to Humble and Humble delivers to Southern Natural for Sinclair's account gas produced in the Duck Lake and Lake Sand Fields.

The Sinclair rates on gas delivered to Southern Natural were filed and/or tendered at 14.65 psia pressure measurement, and the current effective rate and the proposed rate have been converted to 15.025 psia, the standard base for Louisiana. The proposed changes are as follows:

Description: Notice of Change dated October 31, 1960.

Rate schedule designation: Supplement No. 10 to Sinclair's FPC Gas Rate Schedule No. 97.

Effective date: December 1, 1960 (effective date is the date proposed by Sinclair).

Rate in effect: 15.384 cents.

Proposed increased rate: 15.8968 cents.

Annual increase: \$137,168.

The proposed change may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

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 hearings concerning the lawfulness of the proposed change and that the above-designated supplement be suspended and use 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 Sinclair's proposed increased rate be made effective as hereinafter provided and that Sinclair 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), public hearings shall be held upon the dates to be fixed by notices

<sup>1</sup> Address: P.O. Box 521, Tulsa 2, Oklahoma.

from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement.

(B) Pending hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 2, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) The above designated supplement shall become effective as of December 2, 1960. *Provided, however,* Within 20 days from the date of issuance of this order, Sinclair executes and files with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder (prescribed by Order 215 and 215A), 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. Unless Sinclair is advised to the contrary within 15 days after the filing of such agreement and undertaking, its agreements and undertaking shall be deemed to have been accepted.

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

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure [18 CFR 1.8 and 137(f)] on or before January 16, 1961.

By the Commission (Commissioner Kline dissenting).

MICHAEL J. FARRELL,  
*Acting Secretary.*

[F.R. Doc. 60-11330; Filed, Dec. 6, 1960;  
8:45 a.m.]

## PACIFIC POWER & LIGHT CO.

[Docket No. E-6970]

### Notice of Application

NOVEMBER 30, 1960.

Take notice that on November 25, 1960, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Pacific Power & Light Company ("Pacific") authorizing the acquisition by Applicant of all of the utility assets now owned by Southern Wyoming Utilities Company ("Southern Wyoming") and substantially all of the electric assets now owned by the Union Pacific Coal Company ("Coal Company"). Applicant is a public utility engaged principally in the business of generating, purchasing, transmitting, distributing, and selling electric energy in Oregon, Washington, Wyoming, Montana and Idaho. Applicant also supplies water, steam heating and telephone service in various communities in its service area. Applicant's principal business office is in Portland,

Oregon. Southern Wyoming and Coal Company are wholly owned subsidiaries of Union Pacific Railroad Company and operate properties situated in Carbon and Sweetwater Counties in Wyoming. Said properties are used to provide electric and water service to the communities of Green River, Rock Springs and Hanna, Wyoming and adjacent areas. The base consideration to be paid by Applicant for the facilities to be acquired is \$3,200,000 subject to certain adjustments as set forth in the Letter Agreement, dated October 26, 1960, between Union Pacific Railroad Company, Coal Company and Applicant.

Applicant states that if the acquisition of the above-described electric utility facilities is authorized, it plans ultimately to integrate such facilities with its existing Wyoming network, which network is now integrated with those of other utilities and power pools. According to the application, such integration will provide abundant and dependable supplies of power to meet the needs of expanding business, new homes and ranches and will make available adequate electric power in the area for industrial development resulting from utilization of that area's natural resources. The water properties will continue to be operated substantially as they are presently being operated with such improvements as in the judgment of Applicant may be necessary. No rate increases will be required as a result of the proposed acquisition of such electric and water utility assets. Applicant states further that such acquisition will not to its knowledge have any effect upon any contract for the purchase, sale or interchange of any electric energy.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 19th day of December 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of 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.

MICHAEL J. FARRELL,  
*Acting Secretary.*

[F.R. Doc. 60-11331; Filed, Dec. 6, 1960;  
8:45 a.m.]

[Project No. 2187]

## PUBLIC SERVICE COMPANY OF COLORADO

### Notice of Application for License

NOVEMBER 30, 1960.

Public notice is hereby given that Public Service Company of Colorado, Denver, Colorado, has filed application under the Federal Power Act (16 U.S.C. 791a-825r) for license for constructed Project No. 2187 located on South Clear Creek a tributary stream in the South Platte River Drainage Basin, in Clear Creek County, Colorado, affecting lands of the United States within the Arapahoe National Forest and other lands of the United States. The project consists of the Murray, Silver Dollar Lake and Forebay reservoirs; Clear and Green Lakes;

a gravity pipe line; pressure pipe line; Silver Dollar Ditch; Georgetown powerhouse containing two 720 kw generators; substation; switchyard; and appurtenant facilities.

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 day upon which protests or petitions may be filed is January 30, 1961. The application is on file with the Commission for public inspection.

MICHAEL J. FARRELL,  
*Acting Secretary.*

[F.R. Doc. 60-11332; Filed, Dec. 6, 1960;  
8:45 a.m.]

[Docket No. CP60-36 etc.]

## UNITED GAS PIPE LINE CO. ET AL.

### Notice of Applications Consolidating Proceedings and Date of Hearing

NOVEMBER 30, 1960.

United Gas Pipe Line Company, Docket No. CP60-36; Gulf Oil Corporation, Docket No. CI60-43; Tidewater Oil Company, Docket No. CI60-142.

Take notice that United Gas Pipe Line Company (United Gas), a Delaware corporation, with its principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed an application in Docket No. CP60-36 and a supplement thereto on February 15, 1959, and March 31, 1960, respectively, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to construct and operate approximately 59.4 miles of 36-inch pipeline, a purchase meter station, a check-meter station and other appurtenant facilities which will enable it to transport natural gas to be purchased from Gulf Oil Corporation (Gulf) and Tidewater Oil Company (Tidewater) in interstate commerce for resale. These proposed facilities will connect with the 30-inch transmission pipeline known as the Lirette-Mobile line at a point near Lirette, Terrebonne Parish, Louisiana, and extend easterly through the parishes of Lafourche and Jefferson to a point in the Bastian Bay area of Louisiana. These facilities just described will be used to transport a flow of approximately 330,000 Mcf of natural gas per day at 14.9 psia.

The estimated cost of the proposed facilities is \$16,917,010.

United Gas proposes to finance the costs by various means including the sale of bonds, debentures and common stock to United Gas Corporation, an affiliate holding company, and the expenditure of earnings, depreciation and amortization reserves.

On January 15, 1960, Gulf Oil Corporation, a Pennsylvania corporation, whose post office address is Drawer 2100, Houston, Texas, filed an application in Docket No. CI60-43 pursuant to section 7 of the Natural Gas Act for a certificate authorizing the sale of natural gas from certain lands and leases located in the Bastian Bay Field in Plaquemines Parish, Louisiana (all as more fully described in the

application), to United Gas Pipe Line Company, above mentioned.

The proposed sale is to be made under the terms of a gas sales contract dated December 22, 1959, a copy of which is attached to the application on file. This document provides that it is subject to cancellation if another similar contract which United Gas has with Tidewater Oil Company is cancelled by Tidewater. The initial price to be charged by the producer is 24.8 cents per Mcf, including tax reimbursement; this initial price is to escalate by 2½ cents per Mcf on July 1, 1962, and thereafter price adjustments are to be made on July 1, 1967, and 1972 respectively. The estimated initial volume of gas to be delivered is 45,000 Mcf per day at 1,025 psig. The exact point of delivery of the gas to be sold is the subject of further agreement, but the point to be determined must lie within the Bastian Bay Field.

On February 4, 1960, Tidewater Oil Company (Tidewater Oil) a Delaware corporation, with its principal office in Los Angeles, and its correspondence office relating to this application is Post Office Box 1404, Houston 1, Texas, filed an application in Docket No. CI60-142, pursuant to section 7 of the Natural Gas Act for a certificate authorizing it to sell natural gas to be produced by it from certain lands and leases located in the West Bastian Bay Field, Plaquemines Parish, Louisiana, under the terms of a gas sales contract made on December 28, 1959, with United Gas Pipe Line Company, above mentioned.

The initial price to be charged is 24.8 cents per Mcf, including tax reimbursement. No liquid hydrocarbons are included and an escalation of 2.5 cents per Mcf on July 1, 1962, is provided for, together with other price adjustments to be redetermined for the last two five-year periods of the twenty-year term. The estimated initial volumes of 50,000 Mcf per day at a maximum pressure of 1025 psig at the point of delivery is agreed to.

The area covered by the leases affected by Tidewater Oil's contract is approximately 3,800 net acres in which it says that it holds 50 percent interest in the land and 25 percent in the water-bottom properties of the West Bastian Bay Field; but the commitment under the contract is limited to only the gas which may be produced from reservoirs lying between the surface and the base of "X" Sand Formation.

Tidewater Oil avers that it is not subject to the jurisdiction of the Federal Power Commission and that it is not a "natural gas company". It also states that the gas to be delivered under said contract will be transported in interstate commerce and re-sold by United Gas for public consumption. The point of delivery of the gas to be sold as above mentioned, is at a central platform in the field.

These related matters should be heard together in a consolidated proceeding and 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 January 4, 1961, at 10:00 a.m., e.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 December 23, 1960.

MICHAEL J. FARRELL,  
*Acting Secretary.*

[F.R. Doc. 60-11333; Filed, Dec. 6, 1960; 8:46 a.m.]

[Docket No. CP61-116]

**UNITED GAS PIPE LINE CO.**

**Notice of Application and Date of Hearing**

NOVEMBER 30, 1960.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation with a principal office (1525 Fairfield Ave.) in Shreveport, Louisiana, filed an application pursuant to section 7 of the Natural Gas Act in Docket No. CP61-116 on October 13, 1960, for a certificate of public convenience and necessity authorizing applicant to serve natural gas to Mississippi Gas Corporation (Mississippi) for resale in the communities of Bogue Chitto and Norfield, Lincoln County, Mississippi and environs and also to construct and operate 0.0076 mile of 2-inch pipeline lateral, a tap and meter station and the related appurtenances to render the proposed service. The lateral would take off from a point near Milepost 63 on applicant's 6-inch Jackson-Magnolia transmission line and extend westward to connect with the proposed facilities of Mississippi Gas Corporation. The latter would be a new customer of United.

The foregoing is more fully stated in the application on file with the Commission and open to public inspection.

Mississippi proposes to construct and operate the necessary connection with United's proposed facilities and the distribution facilities in the proposed service area. Such facilities will consist of 1.6 miles of transmission main, connecting United's lateral with the proposed distribution systems to be constructed by Mississippi in the area.

Applicant states that on March 11, 1960, the Board of Supervisors of Lincoln County, Mississippi and on September 6, 1960, the Public Service Commission of the State of Mississippi, respectively, granted Mississippi Gas Corporation a franchise and certificate authorization to serve and distribute natural gas in the Towns of Bogue Chitto and Norfield and environs. The area has no gas service at present.

The fuels now being used are butane and wood.

The population of the proposed service area is estimated at 600 with a 10

percent growth per each decade. The estimated peak day and annual requirements in Mcf at 14.73 psia are as follows:

Year	Peak day	Annual
1-----	163	12,285
2-----	176	13,478
3-----	191	14,270

The Applicant recites the total cost of Mississippi's project, including contingencies, is estimated at \$55,000, which it proposes to finance by a 6 percent mortgage loan, payable from excess revenues of the system over the cost of its operation.

Applicant's proposed facilities are estimated to cost \$5,813 which cost is to be defrayed from its current working funds.

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 January 12, 1961, at 9:30 a.m., e.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 January 3, 1961. 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.

MICHAEL J. FARRELL,  
*Acting Secretary.*

[F.R. Doc. 60-11334; Filed, Dec. 6, 1960; 8:46 a.m.]

**INTERSTATE COMMERCE  
COMMISSION**

[Notice 353]

**MOTOR CARRIER APPLICATIONS AND  
CERTAIN OTHER PROCEEDINGS**

DECEMBER 2, 1960

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passen-

gers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1124 (Sub No. 167) (AMENDMENT), filed March 1, 1960, published FEDERAL REGISTER, issue of November 9, 1960. Applicant: HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, 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 regular routes, transporting: *General commodities including Classes A and B explosives*, except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading, (1) between Monroe, La., and Natchez, Miss.; from Monroe, via Louisiana State Highway 15 to Ferriday, thence over U.S. Highway 84 to Natchez; (2) between Baton Rouge, La., and Natchez, Miss.; from Baton Rouge, over U.S. Highway 61 to Natchez; (3) between Alexandria, La., and Natchez, Miss.; from Alexandria, over U.S. Highway 165 to junction Louisiana State Highway 8 at Pollock, thence over Louisiana State Highway 8 to junction U.S. Highway 84 at Trout, thence over U.S. Highway 84 to Natchez, serving all intermediate points on each of the above described routes (1), (2), and (3); and (4) between Natchez, Miss., and Crestview, Fla.; from Natchez, over U.S. Highway 98 to Mobile, Ala., thence over U.S. Highway 90 from Mobile to Crestview, serving no intermediate points.

NOTE: The purpose of this republication is to add to the commodities Classes A and B explosives and number (4) route description.

HEARING: Remains as assigned, January 9, 1961, at Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 28.

No. MC 1993 (Sub No. 4), filed November 1, 1960. Applicant: C. E. GRANT, Route 3, Mineral, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles, posts and other wooden fencing materials*, from points in Orange County, Va., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, West Virginia, Wisconsin, and the District of Columbia, and *damaged or rejected shipments*, on return.

HEARING: February 1, 1961, at the U.S. Court Rooms, Richmond, Va., before Examiner Garland E. Taylor.

No. MC 1993 (Sub No. 5), filed November 1, 1960. Applicant: C. E. GRANT,

Route 3, Mineral, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from points in Orange, Louisa, and Powhatan Counties, Va., to points in Connecticut, Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, West Virginia, and the District of Columbia, and *damaged or rejected wooden pallets*, on return.

HEARING: February 1, 1961, at the U.S. Court Rooms, Richmond, Va., before Examiner Garland E. Taylor.

No. MC 9325 (Sub-No. 12), filed October 17, 1960. Applicant: K LINES, INC., 123 Inman Lane, Grants Pass, Ore. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Vancouver, Wash., to points in and north of Lane, Deschutes, Crook, Grand, and Baker Counties, Ore.

HEARING: January 20, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Ore., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 16344 (Sub No. 6), filed July 6, 1959. Applicant: KEYSTONE MOTOR EXPRESS, INC., 2412 Collis Avenue, Huntington, W. Va. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. 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, serving the intermediate points of Portsmouth and Ironton, Ohio, in an eastbound direction in connection with that portion of applicant's regular route authority from Charleston, W. Va., to Cincinnati, Ohio, serving the intermediate points of Huntington, W. Va., and Portsmouth and Ironton, Ohio: from Charleston over U.S. Highway 60 to Huntington, W. Va., and thence over U.S. Highway 52 to Cincinnati. Applicant is authorized to conduct operations in Pennsylvania, West Virginia, and Ohio.

NOTE: Applicant contends it already holds the authority sought by this application under the above-quoted regular route authorization. Applicant states this application is filed only for the purpose of obtaining such authority in the event it should be determined applicant does not presently hold the requested authority.

HEARING: February 2, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner J. Thomas Schneider.

No. MC 17481 (Sub No. 20), filed November 21, 1960. Applicant: MOORE MOTOR FREIGHT LINES, INC., 2091 Kasota Avenue, St. Paul 8, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 2, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over reg-

ular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of the Mid West Steel Corporation, Division of National Steel Corporation, located on U.S. Highway 12 approximately 2 miles west of the Lake-Porter County line at or near Portage, Ind., as an off-route point in connection with present authorized operations to and from the Chicago Commercial Zone.

HEARING: January 11, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner John L. York.

No. MC 28733 (Sub No. 4), filed September 6, 1960. Applicant: LESTER AUTO FREIGHT, INC., 526 Southeast Division Place at Grand Avenue, Portland, Ore. Applicant's attorney: John M. Hickson, Failing Building, Portland 4, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, and *rejected shipments*, between Portland and Hood River, Ore., on the one hand, and, on the other, the John Day Dam Site located approximately three (3) miles east of Rufus, Ore.

HEARING: January 16, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Ore., before Joint Board No. 172, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 30887 (Sub No. 102), filed November 14, 1960. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper type vehicles; from Trenton, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island.

HEARING: January 16, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 42487 (Sub No. 486), filed October 24, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Crescent City, Calif., and Eureka, Calif., over U.S. Highway 101, serving the intermediate point of Arcata, Calif., except with no local freight service between the termini.

HEARING: January 25, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its

right to participate, before Examiner Leo A. Riegel.

No. MC 42710 (Sub No. 5), filed October 3, 1960. Applicant: BENJAMIN A. RYDER, JAMES B. RYDER, JOSEPH B. RYDER AND JOHN H. RYDER, doing business as BEN'S TRANSFER & STORAGE, Second and Valley, Baker, Oreg. Applicant's attorney: Earle V. White, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Wing, Oreg., to points in Asotin, Garfield, and Walla Walla Counties, Wash.

HEARING: January 18, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 52657 (Sub No. 602) (REPUBLICATIION), filed August 31, 1960, published in the FEDERAL REGISTER, issue of September 28, 1960. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. By application filed August 31, 1960, applicant sought authority to transport trailers, except those designed to be drawn by passenger automobiles, in initial truck-away service, from points in Allegany County, Md., to points in the United States, except Hawaii. At the hearing held November 16, 1960, Hearing Examiner Francis A. Welch presiding, the application was amended to include the transportation of trailer chassis. A Report and Order, served November 28, 1960, authorizes the transportation of trailers (except those designed to be drawn by passenger automobiles) and trailer chassis, in initial movements, by the truckaway method, from points in Allegany County, Md., to points in the United States, except Hawaii. The purpose of this republication is to advise that any person or persons who might have been prejudiced by the allowance of the amendment, may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 60933 (Sub No. 6), filed November 23, 1960. Applicant: EMPIRE EXPRESS, INC., 520 West 51st Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Batteries, battery acid, rubber tires and tubes, tire building material, rubber cement, camel back, repair material, air bags, flaps, liners, transmission belting, conveyor belting, farm belts, sheet pack (rubber), asbestos sheet pack, matting (all rubber), matting (cloth inserted), hose (bales or reels), hose (lengths), V belts, display racks, tile flooring, synthetic film, chemical latex, chemical resin, synthetic rubber, and hard rubber*, all shown above in packages, from North Brunswick Township, N.J., to New York, N.Y., and returned or rejected shipments

of above-described commodities, on return.

HEARING: January 16, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 70662 (Sub No. 90), filed November 3, 1960. Applicant: CANTLAY & TANZOLA, INC., 2550 East 28th Street, Los Angeles 58, Calif. 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 Barstow, Calif., and Las Vegas, Nev., and points within 10 miles thereof, to points in California, Nevada, Utah, and Arizona and *rejected and contaminated shipments* of the above-specified commodities, from above-specified destination points to points in Los Angeles, Ventura and Orange Counties, Calif. on return.

NOTE: This application is filed for the purpose of following the bulk petroleum traffic to new proposed pipeline origins at Barstow and Las Vegas areas, to points in California, Nevada, Utah, and Arizona, which territory is presently served from origin points in Los Angeles, Orange, and Ventura Counties, also referred to as the Los Angeles Basin shipping areas.

HEARING: January 18, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 83539 (Sub No. 71), filed October 31, 1960. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *A. Commodities*, the loading, unloading or transportation of which, because of size, weight, or shape, require the use of special equipment, special rigging, or special handling. *B. Parts and accessories*, of commodities described in A above, when moving in connection with shipments of such commodities. *C. Machinery, equipment, materials and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products. *D. Machinery, materials, equipment, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof. Between points in New York on the one hand, and, on the other, points in Colorado, Montana, North Dakota, South Dakota, and Wyoming. Between points in Idaho, Oregon, Utah, and Washington on the one hand, and, on the other, points in Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia.

HEARING: January 30, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 83539 (Sub No. 72), filed October 31, 1960. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *A. Commodities*, the loading, unloading or transportation of which, because of size, weight, or shape, require the use of special equipment, special rigging, or special handling. *B. Parts and accessories* of commodities described in "A" above, when moving with shipments of such commodities. *C. Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products. *D. Machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof. Between points in Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, on the one hand, and, on the other, points in Arizona, California, and Nevada.

HEARING: February 6, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 95540 (Sub No. 348), filed November 18, 1960. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packing houses*, as defined by the Commission, from Dubuque, Iowa to points in Alabama, Georgia, Mississippi, and points in that part of Louisiana on and east of the Mississippi River including New Orleans, La.

HEARING: January 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 96324 (Sub No. 4), filed November 16, 1960. Applicant: GENERAL DELIVERY, INC., 36 East Grafton Road, Fairmont, W. Va. Applicant's attorney: John C. White, 400 Union Building, Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, fibreboard boxes, wooden bottle carriers and closures for glass containers*, from Star City, W. Va., to points in Pennsylvania, Ohio, Kentucky, Maryland, Virginia, New Jersey, New York, and Pekin, Ill., and Lawrenceburg, Ind., and *empty containers* or other such incidental facilities (not specified), used in transporting the commodities specified above on return.

HEARING: January 12, 1961, at the Offices of the Interstate Commerce

Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 103378 (Sub No. 194), filed October 5, 1960. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate*, in bulk, in tank vehicles, from Jacksonville, Fla., to points in Georgia.

HEARING: February 8, 1961, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 105461 (Sub No. 27) (REPUBLICAN), filed November 9, 1960, published in the FEDERAL REGISTER, issue of November 23, 1960. Applicant: BENJAMIN H. HERR, doing business as HERR'S MOTOR EXPRESS, 36 W. State Street, P.O. Box 8, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood dust*, in bulk, from Goffstown, N.H., to Emmaus, Pa.

NOTE: The purpose of this republication is to change the commodity description as shown above, previously shown as wood flour.

HEARING: Remains as assigned January 5, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 107403 (Sub No. 318), filed November 15, 1960. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorneys: Shertz, Barnes and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper type vehicles; from Trenton, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island.

NOTE: Applicant holds contract authority in MC-117637 and Subs thereunder, therefore, dual operations may be involved.

HEARING: January 16, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 107475 (Sub No. 46), filed November 4, 1960. Applicant: DANCE FREIGHT LINES, INC., 723 National Avenue, Lexington, Ky. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment; (1) between Charlotte, N.C., and Statesville, N.C., from Charlotte over U.S. Highway 21 to Statesville, and return over the same route, serving no intermediate points as an alternate

route for operating convenience only, in connection with carrier's authorized regular route operations. RESTRICTION: Carrier shall not transport over such route shipments interchanged at Charlotte, N.C., and destined to Statesville, N.C., or interchanged at Statesville, and destined to Charlotte, N.C.; and (2) between Salisbury, N.C., and Statesville, N.C., from Salisbury over U.S. Highway 70 to Statesville, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations. RESTRICTION: Carrier shall not transport over such route shipments interchanged at Salisbury, N.C., and destined to Statesville, N.C., or interchanged at Statesville, and destined to Salisbury, N.C.

HEARING: February 3, 1961, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 103, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 110525 (Sub No. 429), filed November 17, 1960. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Trenton, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island.

NOTE: Applicant holds contract carrier authority in Permit No. MC 117507 and Subs thereunder. Dual operations under section 210 may be involved.

HEARING: January 16, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 110698 (Sub No. 144), filed November 18, 1960. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid glues and resins*, in bulk, in tank vehicles, from Thomasville, N.C., to Louisville, Ky.

HEARING: January 13, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heineman.

No. MC 110969 (Sub No. 10), filed November 7, 1960. Applicant: W. L. BUTLER, doing business as W. L. BUTLER TRANSFER, Elizabethtown, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insecticides and fungicides and products used in the manufacture of insecticides and fungicides*; from Brunswick, Ga., to Elizabethtown, N.C., and points within 50 miles thereof, and (2) *canned goods*; from Cambridge, Md., to Elizabethtown, N.C., and points within 50 miles thereof, and *empty containers or other such incidental facilities*, used in transporting the

above-described commodities, on return, in connection with (1) and (2) above.

HEARING: February 3, 1961, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Garland E. Taylor.

No. MC 112391 (Sub No. 23), filed October 31, 1960. Applicant: HADLEY AUTO TRANSPORT, a corporation, 7428 Paramount Boulevard, Pico Rivera, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles 14, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, trucks, busses and chassis*, (1) in secondary movement, in truckaway service, from Milpitas, Calif., to points in Nevada; and (2) in secondary movement, in driveaway and truckaway service, from Salt Lake City, Utah, to points in Idaho, Colorado, and Wyoming, and *damaged, rejected and refused vehicles*, on return.

HEARING: January 20, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 112520 (Sub No. 50), filed September 30, 1960. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, P.O. Box 161, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil fatty acids and distilled tall oil*, in bulk, in tank vehicles, from Port St. Joe, Fla., to Holyoke and Hebronville, Mass., Elizabeth and Newark, N.J., Philadelphia, Pa., and Detroit, Mich.

HEARING: February 10, 1961, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Garland E. Taylor.

No. MC 112520 (Sub No. 51), filed September 30, 1960. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, P.O. Box 161, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous hydrogen chloride*, in bulk, in tank vehicles, from Freeport, Tex., to Jacksonville, Fla.

HEARING: February 10, 1961, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Garland E. Taylor.

No. MC 112750 (Sub No. 53), filed November 17, 1960. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Building, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Paul F. Barnes, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Punch cards and business papers and records* used or useful in the preparation of such punch cards and other business papers and records involving information obtained from the punch cards or pertaining to the use thereof, between Pittsburgh, Pa., on the one hand, and, on the other, points in Ohio, Brooke, Hancock, Marshall, Wetzel, Monongalia, Marion, Taylor, Harrison, Barbour, Upshur, Lewis, Doddridge, Tyler, Pleasants, Ritchie, Wood, Wirt, and Preston Counties, W. Va., and points in Washington,

Monroe, Belmont, Jefferson, Columbiana, Mahoning, Trumbull, Ashtabula, Portage, Summit, Stark, Carroll, Harrison, Noble, Guernsey, Muskingum, Coshocton, Licking, Franklin, Tuscarawas, Knox, and Holmes Counties, Ohio.

**HEARING:** January 13, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 113475 (Sub No. 10), filed March 8, 1960. Applicant: RAWLINGS TRUCK LINE, INC., Emporia, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boxes, box shooks, crates, and crate shooks*, from Chase City, Va., to points in North Carolina, South Carolina, Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, Illinois, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, West Virginia, New York, New Hampshire, Wisconsin, and Washington, D.C.; and (2) *boxes*, from Lawrenceville, Va., to points in Delaware, the District of Columbia, Maryland, New Jersey, Ohio, Pennsylvania, West Virginia, Connecticut, Indiana, Kentucky, Massachusetts, Michigan, North Carolina, Rhode Island, Tennessee, Vermont, and New York, N.Y.

**HEARING:** January 30, 1961, at the U.S. Court Rooms, Richmond, Va., before Examiner Garland E. Taylor.

No. MC 113666 (Sub No. 5) (AMENDMENT), filed November 3, 1960, published FEDERAL REGISTER issue of November 23, 1960. Applicant: FREEPORT TRANSPORT, INC., Box 215 Freeport, Pa. Applicant's attorney: James W. Hagar, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-fabricated and pre-cut houses, component parts thereof, and materials, supplies, fixtures and accessories used or useful in the erection, construction and completion of pre-fabricated and pre-cut houses*, from Philadelphia, Pa., to points in Ohio, West Virginia, Virginia, Maryland, North Carolina, and New York, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

**NOTE:** The purpose of this republication is to advise the portion of the destination State of New York has been enlarged to include service to all points therein.

**HEARING:** Remains as assigned January 4, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Maurice S. Bush.

No. MC 113908 (Sub No. 73), filed November 21, 1960. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706, 706 West Tampa, Springfield, Mo. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices and fruit concentrates*, in bulk, in tank vehicles, between Springdale, Ark., on the one hand, and, on the other, Lawton, Mich., North East, Pa.,

and Westfield, Brocton, and Watkins Glen, N.Y.

**HEARING:** January 11, 1961, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner C. Evans Brooks.

No. MC 114409 (Sub-No. 2), filed October 3, 1960. Applicant: GEORGE A. DOBBERT, doing business as KNOLLENBERG'S MOTOR TRANSFER CO., 200 Irvin Street, Orlando, Fla. Applicant's attorney: J. B. Rodgers, Jr., 227 North Main Street, Orlando, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, having prior movement by rail or motor carrier and general commodities with the above exception, being transported to a motor or rail carrier for movement in interstate commerce, (1) from, to and between points in Orange, Lake, Marion, Volusia, Brevard, Seminole, Osceola, and Polk Counties, Fla.; (2) from Lakeland to Bradenton, Fla., with no intermediate pick-up or deliveries and (3) from Lakeland to Sarasota, Fla., with no intermediate pick-up or deliveries.

**HEARING:** February 9, 1961, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 115458 (Sub-No. 10), filed October 7, 1960. Applicant: ROBERT G. VESPER and OTIS A. VESPER, doing business as VESPER COMPANY, 6133 Cherry Avenue, Long Beach 5, Calif. Applicant's attorney: Larry A. Eskilsen, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Portable houses*, on removable undercarriages, and along with each portable house the *equipment and material* to be used in installation of said house at destination in truckaway service and (2) *Undercarriages and component parts thereof and installation equipment* that is to be used or has been used in the transportation and installation of portable houses in truckaway service; between points in the United States, including Alaska but excluding Hawaii.

**HEARING:** January 16, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 115601 (Sub No. 11), filed November 18, 1960. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, Del. Applicant's attorney: H. James Conaway, Jr., Bank of Delaware Building, Wilmington, Del. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin and currency, negotiable and non-negotiable securities, inter-office records and correspondence, accounting and billing records and documents, and cash letters with checks for collection*, between Philadelphia, Pa., points in Delaware, and points in Kent, Queen Anne's, Talbot, H&rtford, Wicomico,

Caroline, Dorchester, Somerset, Worcester, and Cecil Counties, Md., and points in Accomac and Northampton, Va.

**NOTE:** Applicant states the proposed service shall be performed under a continuing contract or contracts with banking institutions, stock brokerage and investment houses and/or other commercial and business institutions and organizations (for example, public utility companies).

**HEARING:** January 13, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 116777 (Sub No. 2), filed October 19, 1960. Applicant: J. AND L. LINES, INC., P.O. Box 677, Winchester, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading; between Harrisonburg, Va., and points in Pendleton County, W. Va.

**HEARING:** January 31, 1961, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 245, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 117344 (Sub No. 60) (AMENDMENT), filed October 13, 1960, published in the FEDERAL REGISTER issue of November 16, 1960. Applicant: THE MAXWELL CO., a corporation, 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, paints, resins, varnishes and surface coating compounds*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Michigan, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

**NOTE:** The purpose of this republication is to add the commodity *resins*.

**HEARING:** Remains as assigned January 26, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 296.

No. MC 118831 (Sub No. 9), filed October 28, 1960. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5044, East College Drive, High Point, N.C. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry chemicals*, in bulk, including *synthetic resins, sizings and glues*, in tank and hopper-type vehicles, from Charlotte, N.C., to points in Alabama, Florida, Georgia, South Carolina, and Virginia.

**HEARING:** December 28, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 119164 (Sub No. 2) (CORRECTION), filed August 4, 1960, published FEDERAL REGISTER issue of October 5,

1960, and republished in the issue of November 30, 1960. Applicant: J-E-M TRANSPORTATION COMPANY, INC., P.O. Box 444, Middletown, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk and in packages, (1) from Jamesburg, N.J., and Howells, N.Y., to points in Pike, Wayne, Susquehanna, Monroe, Lackawanna, Wyoming, and Bradford Counties, Pa.; (2) from Shohola, Pa., and Howells, N.Y., to points in Sussex, Passaic, Bergen, Warren, Morris, Essex, and Hunterdon Counties, N.J.; (3) from Shohola, Pa., and Jamesburg, N.J., to points in Rockland, Orange, Ulster, Sullivan, and Delaware Counties, N.Y.; and (4) *Returned shipments* of the above-specified commodities from the above-specified destination points to their respective origin points.

NOTE: The purpose of this republication is to show the correct location of the hearing room, erroneously shown in previous publication as the Governor Clinton Hotel.

HEARING: Remains as assigned December 6, 1960, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 119310 (Sub No. 1), filed August 22, 1960. Applicant: ROBERT A. MILNE, doing business as MILNE TOW SERVICE, 54—6th Street, Sparks, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and/or disabled automobiles, trucks, tractors, semi-trailers, full trailers and house trailers*, in wrecker type tow trucks, in truckaway service, between points in Nevada and California on and north of U.S. Highway 6.

HEARING: February 3, 1961, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 119579 (Sub No. 2), filed November 18, 1960. Applicant: J. J. TAYLOR, INCORPORATED, 2028 Jefferson Davis Highway, Arlington, Va. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from points in Prince William County, Va., to points in Pennsylvania, Delaware, New Jersey, New York, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: January 12, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 119632 (Sub No. 6), filed September 12, 1960. Applicant: REED LINES, INC., 210 North Clinton Street, Defiance, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers, caps, and enclosures therefor, and corrugated boxes* (knocked down) when transported therewith, from Vienna, W. Va. (a) to points in Indiana on and north of a line commencing at the Ohio-Indiana State line, and extending along U.S. Highway 40 to Indianapolis, Ind., thence along U.S. Highway 136 from Indianapolis to the Indiana-Illinois State line, (b) to points in Illinois on and north of U.S. Highway 136, and (c) to points in Michigan on and south of Michigan Highway 55, and (2) *pallets and other devices* used in connection with the outbound transportation; from the destination territories described in (a), (b), and (c) above, to Vienna, W. Va.

HEARING: February 1, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner J. Thomas Schneider.

No. MC 119641 (Sub No. 20), filed September 22, 1960. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete slabs, building or roofing made with magnesite, cement, and wood fiber, with accessories* not to exceed 10 percent of truckload minimum or actual weight, if greater, from Newark, Ohio, to points in Michigan, Indiana, Illinois, Iowa, Kentucky, Tennessee, Wisconsin, New York, Pennsylvania, New Jersey, Maryland, and West Virginia, and *damaged or rejected shipments* of above-described commodities, on return.

HEARING: January 30, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner J. Thomas Schneider.

No. MC 119641 (Sub No. 22), filed June 20, 1960. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard, wallboard, hardboard, mouldings and fasteners*, from Laurel, Miss., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, and Wisconsin, and *damaged or rejected shipments*, on return.

HEARING: February 10, 1961, at the Pick-Congress Hotel, Chicago, Ill., before Examiner J. Thomas Schneider.

No. MC 123083, filed September 1, 1960. Applicant: AIRWAY AUTO ASSOCIATES, INC., 1029 First Avenue North, St. Petersburg, Fla. Applicant's attorney: W. K. Zewadski, First Federal Building, St. Petersburg, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles, trucks and motor vehicles*, by drive-a-way methods, between points in Florida and all states in the United States east of the Mississippi River, namely Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New

York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, Kentucky, Virginia, West Virginia, Maryland, Delaware, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, and Georgia, including the Ports of Entry between the United States and Canada, in Michigan, New York, Vermont, and Maine.

HEARING: February 13, 1961, at the U.S. Court Rooms, Tampa, Fla., before Examiner Garland E. Taylor.

No. MC 123102, filed September 29, 1960. Applicant: BOARDMAN HILL, doing business as HILL LINE, 4028½ Shirley Avenue, El Monte, Calif. Applicant's attorney: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood shingles*, from Amanda Park, Wash., to points in Los Angeles, Riverside and Alameda Counties, Calif., and (2) *wax and wax products* from Glendale, Calif., to Fort Lewis, Bremerton, Sand Point, and Seattle, Wash.

HEARING: January 17, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Ore., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 123115, filed October 6, 1960. Applicant: BEN PACKER, doing business as PACKER TRANSPORTATION CO., 465 South 17th Street, Sparks, Nev. Applicant's attorneys: Royal A. Stewart and Richard W. Horton, 6 State Street, Reno, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, finished and unfinished; *timber*, rough or surfaced; *wooden moulding, shelving, jams and casings; box shooks; wooden columns; wooden doors; doors and frames combined; door sills, flooring; door or window frames; mouldings; boards or sheets (flat) consisting of sawdust or ground wood with added resin binder; wooden fence pickets; props or timbers; wooden piling; poles; wooden posts; wooden rafters; wooden roof trusses; wooden shingles; railroad ties; veneer, wood buildup or combined with plywood; and wooden pallets*; (a) from points in Washoe and Douglas Counties, Nev., to points in California; (b) from points in California to points in Washoe County, Nev.; and (c) from points in Washoe County, Nev., to points in Nevada, including points in Washoe County, Nev.

HEARING: January 30, 1961, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 132122, filed October 11, 1960. Applicant: J. J. GENTRY, 2634 Highway 99 South, Grants Pass, Ore. Applicant's attorney: Glenn D. Ramirez, Suite 205, I.O.O.F. Building, 432 Main Street, Klamath Falls, Ore. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*; from

Steger and Riverbank, Calif., to points in Jackson, Josephine and Douglas Counties, Oreg., and *lumber and plywood*, on return.

NOTE: (1) Applicant states that the loads of fertilizer will be delivered direct to farm sites as a service to farmers. (2) Applicant presently holds common carrier authority in MC-115399 and Sub No. 1 thereunder, therefore, dual operations may be involved.

HEARING: January 20, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 123145, filed October 17, 1960. Applicant: BARDAHL OF SO. CALIFORNIA, INC., 7565 Melrose Avenue, Los Angeles, Calif. Applicant's attorney: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tile and tile adhesives*, from Paramount, Calif., to Salem and Eugene, Oreg., and Seattle, Wash.

HEARING: January 18, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 123215, filed November 14, 1960. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, 502 East Madison Street, Phoenix, Ariz. Applicant's attorney: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Greeting cards and sample albums containing cards*, from Boston, Springfield, Leominster and Webster, Mass., Nashua, N.H., New York, White Plains, Elmira, and Brooklyn, N.Y., North Bennington, Vt., Cicero, Ill., Pittsburgh and Philadelphia, Pa., and Cincinnati, Ohio, to Pasadena, El Cerino, Los Angeles, and San Francisco, Calif.

NOTE: Applicant indicates it will transport exempt farm products, on return.

HEARING: January 19, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 123216, filed November 15, 1960. Applicant: JAMES T. DAVIS, INC., 1225 Main Street, Lynchburg, Va. Applicant's attorney: Wilbert G. Burnette, 1017 Church Street, Lynchburg, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint, paint sundries, and all types of raw materials used in the manufacture of paint*, between Lynchburg, Va., and points in Ohio, West Virginia, North Carolina, South Carolina, Maryland, Pennsylvania, New Jersey, New York, Delaware, Tennessee, and the District of Columbia.

NOTE: Applicant states that the application involves authority to transport property of Specification Paints Manufactures, Inc., a company almost entirely owned by Davis.

HEARING: February 2, 1961, at the U.S. Court Rooms, Richmond, Va., before Examiner Garland E. Taylor.

MOTOR CARRIERS OF PASSENGERS

No. MC 123126, filed October 12, 1960. Applicant: GURNIE L. BLUNT, doing business as BLUNT'S BUS LINE, 309 Roosevelt Street, Franklin, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at points in Greenville, Nansemond, Sussex, Isle of Wight, and Southampton Counties, Va., and extending to points in Maryland and North Carolina, and Washington, D.C., Philadelphia, Pa., and New York, N.Y.

HEARING: January 31, 1961, at the U.S. Court Rooms, Richmond, Va., before Examiner Garland E. Taylor.

No. MC 123144, filed October 17, 1960. Applicant: BORDERLAND TRANSPORTATION CO., a corporation, Route 1, Box 74, Brawley, Calif. Applicant's attorney: Lewis A. Plourd, 1005 State Street, El Centro, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* (including transportation of baggage of passengers in the same vehicle with passengers), between points in Texas, Oklahoma, Arizona, New Mexico, Kansas, and California.

HEARING: January 17, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 123178, filed October 31, 1960. Applicant: LAWRENCE C. JENSEN, doing business as JENSEN TRANSPORTATION, 155 South First Avenue, St. Helens, Oreg. Applicant's attorney: Wm. P. Ellis, 1121 Equitable Building, Portland, Oreg. 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 special operations, between points in Columbia County, Oreg., and points in Washington.

HEARING: January 19, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 8964 (Sub No. 16), filed November 23, 1960. Applicant: WITTE TRANSPORTATION COMPANY, a corporation, 2481 North Cleveland Avenue, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, but excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; between Minneapolis, Minn., and Cannon Falls, Minn., from Minneapolis over Minnesota Highway 55 to junc-

tion with U.S. Highway 52, thence over U.S. Highway 52 to Cannon Falls, and return over the same route, serving the intermediate points of Pine Bend and Coates, Minn.

No. MC 10297 (Sub No. 7), filed November 25, 1960. Applicant: CAPITOL MOTOR TRANSPORTATION COMPANY, INC., 296 Main Street, Everett, Mass. 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: *Wall-board, building board, insulation board, fibreboard, pulpboard, strawboard, rolls prepared roofing*; from the plant site of U.S. Gypsum Co. at Lisbon Falls, Maine, to points in Ohio, Indiana, Illinois, Michigan, and Wisconsin, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

No. MC 41849 (Sub No. 8), filed November 21, 1960. Applicant: KEIGHTLEY BROS., INC., 1616 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: *Salt*, in dump vehicles, from St. Louis, Mo., to points in Illinois within 150 miles of St. Louis, Mo.

NOTE: Applicant presently has authority to transport the above commodity from St. Louis, Mo., to points in Illinois within 100 miles of St. Louis, and by this application, seeks only to enlarge the territorial authority in Illinois from 100 miles of St. Louis to 150 miles of St. Louis, Mo.

No. MC 52579 (Sub No. 33), filed October 13, 1960. Applicant: GILBERT CARRIER CORP., 645 West 40th Street, New York 16, N.Y. Applicant's attorney: Irving Klein, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garments and wearing apparel on hangers, and hangers*, between New York, N.Y., on the one hand, and, on the other, Atlanta, Ga., and Miami, Fla. RESTRICTION: The authority herein sought shall be limited to the transportation of traffic which has moved or will move between New York, N.Y., and Atlanta, Ga., and Miami, Fla., in carrier's trailers rail cars in substituted rail for motor service.

NOTE: Duplication with present authority to be eliminated.

No. MC 66562 (Sub No. 1752), filed November 25, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED; Principal Office: 219 East 42d Street, New York 17, N.Y.; Local Office: 275 East Fourth Street, St. Paul 1, Minn. Applicant's attorney: William H. Marx, General Attorney, Railway Express Agency, Incorporated (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Breckenridge, Minn. and Fergus Falls, Minn.: from Breckenridge over Minnesota Highway 210 to Fergus Falls, and return over the same

route, serving the intermediate point of Foxholm. RESTRICTIONS: The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or rail express service of applicant. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt.

No. MC 68183 (Sub No. 14), filed November 21, 1960. Applicant: YANKEE LINES, INC., 1400 East Archwood Avenue, Akron 6, Ohio. Applicant's representative: W. R. Hubbard, 1032 Standard Building, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Akron, Ohio, and Atwater Center, Ohio, from Akron over U.S. Highway 224 to Atwater Center, and (2) between Poland, Ohio, and New Castle, Pa., from Poland over U.S. Highway 224 to New Castle and return over the same route as alternate routes for operating convenience only, serving no intermediate or off-route points in connection with applicant's presently authorized regular route operation between Akron, Ohio, and New Castle, Pa.

No. MC 71096 (Sub No. 35), filed November 23, 1960. Applicant: NORWALK TRUCK LINES, INC., 180 Milan Avenue, Norwalk, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Indiana, Michigan, Ohio, and Pennsylvania: I. (1) between junction U.S. Highway 6 and Indiana Highway 2 and La Porte, Ind.; from junction U.S. Highway 6 and Indiana Highway 2 over Indiana Highway 2 to La Porte and return over the same route, (2) between junction Indiana Highway 15 and U.S. Highway 6 and Bristol, Ind. (via Goshen); from junction Indiana Highway 15 and U.S. Highway 6 over Indiana Highway 15 to Bristol and return over the same route; (3) between junction Indiana Highway 13 and U.S. Highway 33 and junction Indiana Highway 13 and U.S. Highway 6 (4 miles west of Ligonier); from junction Indiana Highway 13 and U.S. Highway 33 over Indiana Highway 13 to junction U.S. Highway 6 and return over the same route; II. between junction U.S. Highway 131 and U.S. Highway 112 and Kalamazoo, Mich.; from junction U.S. Highway 131 and U.S. Highway 112 over U.S. Highway 131 to Kalamazoo and return over the same route. III. (1) between junction U.S. Highway Alternate 20 and U.S. Highway 20 (north of Montpelier, Ohio), and junction U.S. Highway Alternate 20 and Ohio Highway 2 (North of Wauseon, Ohio); from junction U.S. Highway Alternate 20 and U.S. Highway 20 over U.S. Highway Alternate 20 to junction Ohio Highway 2 and return over

the same route; (2) between junction Ohio Highway 65 and Ohio Highway 69 and junction U.S. Highway 30N and Ohio Highway 69; from junction Ohio Highway 65 and Ohio Highway 69 via Ohio Highway 69 to junction with U.S. Highway 30N and return over the same route. NOTE: That segment of Ohio Highway 69 between junction Ohio Highway 18 and McComb is included in Docket No. 71096 page 11, 9th para. (3) between Toledo, Ohio and junction U.S. Highway 25 and U.S. Highway 30N; from Toledo over U.S. Highway 25 to junction U.S. Highway 30N and return over the same route; (4) between junction Ohio Highway 18 and U.S. Highway 25 and Findlay, Ohio; from junction Ohio Highway 18 and U.S. Highway 25 over unnumbered highway to junction with U.S. Highway 224, hence via U.S. Highway 224 to Findlay and return over the same route; (5) between Bucyrus and Shelby, Ohio; from Bucyrus over Ohio Highway 96 to Shelby and return over the same route; (6) between Lodi and Cleveland, Ohio; from Lodi over U.S. Highway 42 to Cleveland and return over the same route; (7) between junction Ohio 82 and Ohio 57 and Warren, Ohio; from junction Ohio 82 and Ohio 57 over Ohio 82 to Warren and return over the same route; (8) between Cleveland and Massillon, Ohio; from junction Ohio 18 and U.S. Highway 21 over U.S. Highway 21 to Massillon and return over the same route; (9) between Ravenna, and Warren, Ohio; from Ravenna over Ohio Highway 5 to Warren and return over the same route, and IV. between junction U.S. Highway 422 and U.S. Highway 19 and Butler, Pa.; from junction U.S. Highway 422 and U.S. Highway 19 over U.S. Highway 422 to Butler and return over the same route.

NOTE: For operating convenience only, serving no termini, intermediate or off-route points.

No. MC 105957 (Sub No. 47), filed November 23, 1960. Applicant: DELTA MOTOR LINE, INC., Post Office Box 3867, Jackson, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading, between the plant site of the Archer Daniels Midland Company, approximately 7.3 miles from Peoria, Ill., at or near Mapleton, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Peoria, Ill.

No. MC 108905 (Sub No. 20), filed November 22, 1960. Applicant: JASPER & CHICAGO MOTOR EXPRESS, INC., Indiana Highways 45 and 56, Jasper, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of

unusual value, dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those injurious or contaminating to other lading, serving the plant site of Midwest Steel Corporation, located on U.S. Highway 12, approximately 2 miles east of the Lake-Porter County line, at or near Portage, Ind., as an off-route point in connection with applicant's presently authorized regular route operations in the States of Indiana, Illinois, and Kentucky.

No. MC 110525 (Sub No. 430) filed November 23, 1960. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean oil*, in bulk, in tank vehicles, from Bellevue, Ohio, to Dayton, Ky., and *rejected shipments* of above-described commodity, on return.

NOTE: Section 210, dual operations may be involved. Applicant holds contract carrier authority in Permit No. MC 117505 and Subs thereunder. Common control may be involved.

No. MC 111231 (Sub No. 44), filed November 18, 1960. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Applicant's representative: B. J. Wiseman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, grain, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Springdale, Ark., and Marked Tree, Ark.: (a) from Springdale over Arkansas Highway 68 to its junction with U.S. Highway 62 at or near Alpena, thence over U.S. Highway 62 to its junction with U.S. Highway 65, thence over U.S. Highway 65 to its junction with Arkansas Highway 66 at or near Leslie, serving no intermediate points and serving Leslie for purposes of joinder only; (b) From Leslie over Arkansas Highway 66 to its junction with Arkansas Highway 14, thence over Arkansas Highway 14 to Newport, serving the intermediate points of Elberta, Alco, Timbo, Newnata, Mountain View, St. James, Pleasant Grove, Marcella, Melrose, Locust Grove, Desha, Salado, Rosie, and Macks, and the off-route points of Oxley and Oil Trough, with service at Newport restricted to joinder purposes only; (c) From Newport over Arkansas Highway 14 to its junction with U.S. Highway 63 at or near Marked Tree, serving no intermediate points. Service at Termini restricted to joinder only.

No. MC 114194 (Sub No. 33), filed November 23, 1960. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over ir-

regular routes, transporting: *Rum and blends*, in bulk; from Covington, Ky., to St. Louis, Mo., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, and *rejected shipments*, on return.

## MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 212), filed November 21, 1960. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: R. H. Warns, Commerce Counsel, The Greyhound Corporation (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, newspapers and mail* in the same vehicle with passengers, between Elizabethtown, Ky., and junction of Interstate Highway 65 and U.S. Highway 31-W, at or near Upton, Ky.; from Elizabethtown over Interstate Highway 65 to its junction with U.S. Highway 31-W, and return over the same route, serving all intermediate points.

No. MC 1501 (Sub No. 213), filed November 21, 1960. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: R. H. Warns, Commerce Counsel, The Greyhound Corporation (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, newspapers and mail* in the same vehicle with passengers, between Rome, Ga., and junction of U.S. Highway 41 and new unnumbered four-lane highway at or near Cartersville, Ga.: from Rome over new unnumbered four-lane highway to its junction with U.S. Highway 41 north of Cartersville, and return over the same route, serving all intermediate points.

No. MC 1501 (Sub No. 214), filed November 23, 1960. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Raymond H. Warns, Commerce Counsel, The Greyhound Corporation (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, newspapers and mail* in the same vehicle with passengers, (1) between Marion, Ill., and the junction of Interstate Highway 57 and U.S. Highway 51 approximately two miles north of Ullin, Ill.: from Marion over Interstate Highway 57 to its Junction with U.S. Highway 51, and return over the same route, serving no intermediate points. (2) Between Cairo, Ill., and Sikeston, Mo.: from Cairo, Ill., over U.S. Highway 60 to Sikeston, Mo., and return over the same route, serving no intermediate points.

Note: Applicant states it proposes to join or tack this authority, if granted, to: MC 1501 Sub 25 Route 2 "Between St. Louis, Mo., and Paducah, Ky., serving the intermediate points of Cairo, Ill., and Wickliffe, Ky., and all other intermediate points except those on U.S. Highway 51 between Cairo and Wickliffe." So much of the above as

pertains to U.S. Highway 51 between junction of Interstate Highway 57 and U.S. Highway 51 and Cairo, Ill. MC 1501 Sub 25 Route 1 "Between St. Louis, Mo., and Vicksburg, Miss., serving all intermediate points and the off-route points of Caruthersville, Hayti, Cape Girardeau, Fredericktown, and St. Francois, Mo." So much of the above as pertains to U.S. Highway 61 between Sikeston, Mo., and Vicksburg, Miss.

## 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 carrier of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

## MOTOR CARRIERS OF PROPERTY

No. MC-F 7488 (COLORADO MOTORWAY, INC.—PURCHASE—M. M. YOUNG), published in the April 6, 1960, issue of the FEDERAL REGISTER on page 2937. Application filed November 29, 1960, for temporary authority under section 210a(b).

No. MC-F 7715 (correction) (UNITED TRANSPORTATION CO. OF RHODE ISLAND — PURCHASE — THOMAS L. MCCORMICK), published in the November 30, 1960, issue of the FEDERAL REGISTER on page 12273. The publication should have indicated that application has been filed for temporary authority under section 210a(b).

No. MC-F 7720. Authority sought for control and merger by READING TRANSPORTATION COMPANY, Reading Terminal, 12th and Market Streets, Philadelphia 7, Pa., of the operating rights (with certain exceptions as noted below) and property of KARN'S TRANSFER, INC., 345 West Elm Street, Hazleton, Pa., and for acquisition by READING COMPANY, also of Philadelphia, of control of such rights and property through the transaction. Applicants' attorney: Lockwood W. Fogg, Jr., Reading Terminal, Philadelphia 7, Pa. KARN'S TRANSFER, INC., holds the following Interstate Commerce Commission *common carrier* operating rights: (1) *General commodities*, excepting, among others, household goods and commodities in bulk, over regular routes, between Reading, Pa., and Carbondale, Pa., serving all intermediate and certain off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between New York, N.Y., and certain points in New Jersey, on the one hand, and, on the other, certain points in Pennsylvania; *shirts and milling supplies*, between Hazleton, Pa., and Baltimore, Md.; *foodstuffs and canned goods* (limited to the transportation of these commodities having an immediately prior movement in rail pool cars), from Hazleton, Pa., to certain points in Pennsylvania; *such commodities* as are dealt in by wholesale and retail grocery stores (limited to the transportation of these commodities having an immediately prior movement in rail pool cars), from Hazleton, Pa., to certain points in Pennsylvania; *synthetic yarn and synthetic staple fibre*,

from Hazleton, Pa., to certain points in New York, restricted to shipments having a prior or subsequent movement by motor vehicle to Hazleton; *empty racks, beams, and shipping containers* used in transporting the described synthetic yarn and synthetic staple fibre, from certain points in New York to Hazleton, Pa., subject to the restriction that shipments transported by carrier shall be limited to those having a prior or subsequent movement by motor vehicle from Hazleton; (2) *cellulose acetate*, in bulk, over irregular routes, from Parlin, N.J., to Meadville, Pa.; (3) *rayon yarn and rayon products*, over irregular routes, from Meadville, Pa., to points in New York, Connecticut, Massachusetts, and Rhode Island and certain points in Virginia; *refused yarn and empty spools, cones and other articles* used in the shipping of yarn, from the immediately-above-specified destination points to Meadville, Pa.; *synthetic yarn, synthetic fibre, synthetic staple fibre, synthetic fibre products* (except rayon yarn and rayon products), and *materials and supplies* used in packing and shipping such commodities, from Meadville, Pa., to points in New York, New Jersey, Connecticut, Massachusetts, and Rhode Island and certain points in Virginia; *articles* used in packing and shipping the commodities named immediately above, from the immediately-above-specified destination points to Meadville, Pa.; *synthetic yarn, synthetic fibre, synthetic staple fibre, synthetic fibre products, rayon yarn and rayon products* (limited to transportation of traffic having a prior or subsequent movement by connecting motor carrier), from Meadville, Pa., to Scranton, Wilkes-Barre, Hazleton, Reading, and Philadelphia, Pa.; *materials and supplies* used in packing and shipping the commodities described immediately above (subject to the immediately-above-described limitation), from Scranton, Wilkes-Barre, Hazleton, Reading, and Philadelphia, Pa., to Meadville, Pa.; (4) *household goods*, over irregular routes, between Hazleton, Pa., and points within 35 miles of Hazleton, on the one hand, and, on the other, points in Massachusetts, Connecticut, New York, New Jersey, Ohio, Delaware, Maryland, Rhode Island, West Virginia, Virginia, North Carolina, and the District of Columbia. The application states that READING TRANSPORTATION COMPANY will acquire the rights described in (1) above, that the operating rights described in (2) above are to be canceled, and that those in (3) and (4) above are to be transferred by KARN'S TRANSFER, INC., to two other parties. No applications seeking the approval thereof have yet been filed. READING TRANSPORTATION COMPANY is authorized to operate as a *common carrier* of property in Pennsylvania and New Jersey, and as a *common carrier* of passengers in Pennsylvania, New Jersey, Connecticut, New York, Maryland, Delaware, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7721. Authority sought for purchase by PENNSYLVANIA TRANSFER CO., 631 Cascade Street, New

Castle, Pa., of the operating rights and property of FRANK WIMER, 460 East Washington Street, New Castle, Pa., and for acquisition by JULIUS W. GARDOCKY, also of New Castle, of control of such rights and property through the purchase. Applicants' attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between New Castle, Pa., and Mercer, Pa., between New Castle, Pa., and Bessemer, Pa., between New Castle, Pa., and Koppel, Pa., serving certain intermediate points and subject to the following conditions: (1) The service to be performed by said carrier shall be limited to that which is auxiliary to or supplemental of rail service of the Pennsylvania Railroad Company, hereinafter called the Pennsylvania, (2) shipments transported by said carrier shall be limited to those which it receives from or delivers to the Pennsylvania under a through bill of lading covering, in addition to movement by said carrier, a prior or subsequent movement by rail, (3) all contractual arrangements between said carrier and the Commission shall be reported to the Commission and shall be subject to revisions, if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties, and (4) 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, rail service; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between New Castle, Pa., on the one hand, and, on the other, certain points in Pennsylvania; *household goods*, as defined by the Commission, between points in Lawrence County, Pa., on the one hand, and, on the other, points in Ohio, New York, and West Virginia; *soap, soap powder, vegetable shortening, vegetable oil, and synthetic detergents*, from New Castle, Pa., to certain points in Pennsylvania. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, New York, Ohio, West Virginia, Illinois, Maryland, Michigan, Indiana, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7723. Authority sought for purchase by M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C., of a portion of the operating rights and certain property of JAMES F. BLACK, doing business as PARKVILLE TRUCKING COMPANY, 3818 Pulaski Highway (Mail: P.O. Box 4168 East End Station), Baltimore, Md., and for acquisition by FRANK L. GRIMM, 3708 Oliver Street NW., Washington, D.C. and SARAH F. CARL, Gaithersburg, Md., of control of such rights and property through the purchase. Applicants' attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Operating rights sought

to be transferred: *Chemicals*, in bulk, as a *common carrier* over irregular routes from Baltimore, Md., to Coatesville, Marcus Hook, and Philadelphia, Pa., Linden, N.J., and Washington, D.C., and from Linden and Jersey City, N.J., and Marcus Hook and Chester, Pa., to Baltimore, Md.; *sulphuric acid*, in bulk, in tank vehicles, between Baltimore, Md., on the one hand, and, on the other, points on Long Island, N.Y., and points in New Jersey and New York, N.Y.; *alum*, in bulk and in burlap bags, between Baltimore, Md., on the one hand, and on the other, York, Pa., points in Virginia on and east of U.S. Highway 1, all points in Delaware, and those in New Jersey, except Warners, N.J.; *alum*, in bulk, from Baltimore, Md., to Batavia, Brockport, Fairport, Leroy, and Westfield, N.Y., and points in Ohio; *hydrofluosilicic acid*, in bulk, in tank vehicles, from Carneys Point, N.J., to Baltimore, Md.; *silica gel catalyst*, in bulk, in covered hopper vehicles, from Baltimore, Md., to Delaware City, Del., Westville, N.J., and Yorktown, Va., and from Baltimore, Md., to Warren, Pa.; Vendee is authorized to operate as a *common carrier* in the District of Columbia, Maryland, Virginia, Pennsylvania, West Virginia, Delaware, New Jersey, New York, Ohio, North Carolina, Illinois, Indiana, Michigan, Minnesota, Missouri, Wisconsin, Massachusetts, Rhode Island, Tennessee, Alabama, Florida, Georgia, South Carolina, Arkansas, Connecticut, Iowa, Kentucky, Louisiana, Maine, Mississippi, New Hampshire, and Vermont. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.  
[F.R. Doc. 60-11347; Filed, Dec. 6, 1960;  
8:48 a.m.]

[Notice 146]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 2, 1960.

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

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

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

### MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 17) ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed November 22, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over Interstate Highway 91 to Springfield, Mass., 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 pertinent service routes as follows: From New York, N.Y., over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 via Hartford, Conn., to Springfield, Mass., thence over U.S. Highway 20 via Worcester, Mass., to Boston, Mass.; from New York to Hartford as specified above, thence over Alternate U.S. Highway 5 to Springfield, thence to Worcester as specified above and thence over Massachusetts Highway 9 to Boston, and return over the same routes.

No. MC 3474 (Deviation No. 1), MUNDY MOTOR LINES, P.O. Box 331, Roanoke 3, Va., filed November 22, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Stephens City, Va., over Virginia Highway 277 to junction U.S. Highway 340 near White Post, Va., thence over U.S. Highway 340 to junction U.S. Highway 40 near Frederick, Md., thence over U.S. Highway 40 to Baltimore, Md., 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 a pertinent service route as follows: From Stephens City over Virginia Highways 277 and 12 to junction U.S. Highway 50, thence over U.S. Highway 50 to Washington, D.C., and thence over U.S. Highway 1 to Baltimore and return over the same route.

No. MC 10875 (Deviation No. 1), BRANCH MOTOR EXPRESS COMPANY, 300 Maspeth Avenue, Brooklyn 11, N.Y., filed November 14, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From junction of Hunterdon County Highway 523 and U.S. Highway 202 near Flemington, N.J., over Hunterdon County Highway 523 to Stockton, N.J., thence across the Delaware River to Center Bridge, Pa., and thence over Pennsylvania Highway 263 to junction U.S. Highway 202 near Lahaska, Pa., 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 a pertinent service route as follows: From the junction of U.S. Highways 202 and 206 near Raritan, N.J., over U.S. Highway 202 to junction Pennsylvania Highway 263, near Lahaska, Pa., and return over the same route.

No. MC 29988 (Deviation No. 6), DENVER-CHICAGO TRUCKING COMPANY, INC., 45th and Jackson Streets, Denver, Colo., filed November 9, 1960. Attorney David Axelrod, 39 North La Salle Street, Chicago, Ill. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 30 and Illinois Highway 47 over Illinois Highway 47 to junction U.S. Business Route 30, thence over U.S. Business Route 30 to junction Illinois Highway 55, thence over Illinois Highway 55 to junction East-West Ogden Thruway near Aurora, Ill., thence over East-West Ogden Thruway to junction Interstate Highway 90 near Elmhurst, Ill., and thence over Interstate Highway 90 to Chicago 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 pertinent service routes as follows: From Denver, Colo., over U.S. Highway 85 to Greeley, Colo., thence over U.S. Highway 34 to junction U.S. Highway 6, thence over U.S. Highway 6 to Sterling, Colo. (also from Denver over U.S. Highway 6 to Sterling) thence over U.S. Highway 138 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, and thence over Alternate U.S. Highway 30 to Chicago; from junction of U.S. Highway 30 and Alternate U.S. Highway 30 over U.S. Highway 30 to Aurora, Ill., thence over Illinois Highway 65 to junction U.S. Highway 34, and thence over U.S. Highway 34 to Chicago, and return over the same routes.

No. MC 35628 (Deviation No. 4), INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids 2, Mich., filed November 21, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Columbus, Ohio, over Interstate Highway 71 to junction U.S. Highway 224 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 pertinent service routes as follows: From Cincinnati over Ohio Highway 3 to Wooster, Ohio, thence over Ohio Highway 5 to Akron, Ohio, thence over Ohio Highway 8 to Cleveland, Ohio; from Columbus over U.S. Highway 42 to Cleveland, and return over the same routes.

No. MC 35628 (Deviation No. 5), INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids 2, Mich., filed November 21, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Painesville, Ohio, over Ohio Highway 44 to junction Interstate Highway 90, thence over Interstate Highway 90 to Interchange No. 50 near Buffalo, N.Y., 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 pertinent service routes as follows: From the Indiana-Ohio State line over U.S. Highway 20 to junction Ohio Highway 120, thence over Ohio Highway 120 to Toledo, Ohio, thence over Ohio Highway 51 to junction U.S. Highway 20 and thence over U.S. Highway 20 to the Pennsylvania-Ohio State line; from the Ohio-Pennsylvania State line over U.S. Highway 20 to Boston, Mass., and return over the same routes.

No. MC 35628 (Deviation No. 6), INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids 2, Mich., filed November 21, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Albany, N.Y., over Interstate Highway 87 to junction Interstate Highway 90 thence over Interstate Highway 90 to junction U.S. Highway 20 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 a pertinent service route as follows: From Albany over U.S. Highway 20 to junction Interstate Highway 90 and return over the same route.

No. MC 35628 (Deviation No. 7), INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids 2, Mich., filed November 16, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to Dayton, Ohio, 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 between Cincinnati and Dayton over U.S. Highway 25.

MC 51255 (Deviation No. 4), HAECKL'S EXPRESS, INCORPORATED, P.O. Box 2025, Terre Haute, Ind., filed November 21, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions over a deviation route as follows: From Chicago, Ill., over the Calumet Skyway (Interstate Highway 94) to the Illinois-Indiana State line, thence over the Indiana East-West Toll Road to the Indiana-Ohio State line, thence over the Ohio Turnpike to junction U.S. Highway 25 south of Toledo, Ohio, 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 a pertinent service route as follows: From Chicago over U.S. Highway 54 (formerly Illinois Highway 49) to junction unnumbered highway, thence south over unnumbered highway to Chicago Heights, Ill., thence over U.S. Highway 30 to junction Indiana Highway 53, thence over Indiana Highway 53 to Montmorenci, Ind., thence over U.S. Highway 52 to Indianapolis, Ind., thence over U.S. Highway

40 to junction U.S. Highway 35, thence over U.S. Highway 35 to Dayton, Ohio, thence over U.S. Highway 25 to junction Ohio Turnpike south of Toledo, Ohio.

No. MC 65660 (Deviation No. 2), WARNER & SMITH MOTOR FREIGHT, INC., Walnut and Shenango Streets, Sharpsville, Pa., filed November 22, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Cherry Tree, Pa., over Pennsylvania Highway 417 to Franklin, Pa., and return over the same route, for operating convenience only, serving no intermediate point. The notice indicates that the carrier is presently authorized to transport the same commodities between Cherry Tree and Franklin over Pennsylvania Highway 8.

No. MC 77486 (Deviation No. 1), ADMIRAL TRANSIT, INC., 2785 Fairview Avenue, St. Paul 13, Minn., filed November 23, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hudson, Wis., over Interstate Highway 94 to Eau Claire, Wis., 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 between Hudson and Eau Claire over U.S. Highway 12.

No. MC 109972 (Deviation No. 1), HARRIS EXPRESS INC., 1425 North Tryon Street, Charlotte 6, N.C., filed November 14, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Greensboro, N.C., over U.S. Highway 29 to junction U.S. Highway 58 at Danville, Va., thence over U.S. Highway 58 to junction Virginia Highway 304 near Riverdale, Va., thence over Virginia Highway 304 to junction U.S. Highway 360 near Scottsburg, Va., thence over U.S. Highway 360 to junction U.S. Highway 1 to Richmond, Va., 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 a pertinent service route as follows: From Greensboro, over U.S. Highway 70 to Durham, N.C., thence over U.S. Highway 15 to Oxford, N.C., thence over U.S. Highway 158 to Henderson, N.C., thence over U.S. Highway 1 to Richmond, and return over the same route.

No. MC 112908 (Deviation No. 1), KINGSWAY TRANSPORTS LIMITED, P.O. Box 1220, Montreal (Quebec) Canada, filed November 15, 1960. Attorney S. Harrison Kahn, 1110 Investment Building, Washington 5, D.C. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From New York, N.Y., over New York Highway 9A to the George Washington Bridge, thence over the George Washington Bridge to junction U.S. Highway 9W, thence over U.S. Highway 9W to junction New York Thru-

way, Interstate Highway 87, thence over Interstate Highway 87 to Suffern, N.Y.; (B) from Suffern over the New York Thruway, Interstate Highway 87, to Albany, N.Y.; and (C) from Albany, N.Y., over Interstate Highway 87 to Saratoga Springs, N.Y., 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 the same commodities over pertinent service routes as follows: From New York through the Holland Tunnel to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to the New York-New Jersey State line; from Suffern over New York Highway 17 to junction New York Highway 32, thence over New York Highway 32 to Newburgh, N.Y., thence over U.S. Highway 9W to Albany, N.Y.; from Albany over U.S. Highway 9 to Saratoga Springs, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 60-11348; Filed, Dec. 6, 1960;  
8:48 a.m.]

[Notice 419]

### MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 2, 1960.

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 63772. By order of November 30, 1960, the Transfer Board approved the transfer to Daniel's Express Co., Inc., New York, N.Y., of Permit in No. MC 106720, issued November 7, 1946, to Daniel Schack, doing business as Daniel's Express Co., New York, N.Y., authorizing the transportation of: Empty glass bottles, over irregular routes, from New York, N.Y., to Newark, Passaic, and Irvington, N.J., with no transportation for compensation on return. Edward M. Alfano, 2 West 45th Street, New York 36, N.Y., attorney for applicants.

No. MC-FC 63777. By order of November 30, 1960, the Transfer Board approved the transfer to Reichert Transport, Inc., Fosston, Minn., of Certificate in No. MC 17639, issued September 13, 1960, to Donn Reichert, Dean Reichert and Arvilla Reichert, a partnership, doing business as Reichert Transport,

Fosston, Minn., authorizing the transportation of: General Commodities, excluding household goods, commodities in bulk, and other specified commodities between Gully, Minn., and points within 25 miles of Gully, on the one hand, and, on the other, Fargo, Grand Forks, and Union Stockyards, N. Dak. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., attorney for applicants.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 60-11350; Filed, Dec. 6, 1960;  
8:48 a.m.]

[Rev. S. O. 562, Taylor's I.C.C. Order 126]

### CANADIAN PACIFIC RAILWAY CO. ET AL.

#### Diversion or Rerouting of Traffic

On account of possible work stoppage by certain employees of Canadian railroads the Railway Association of Canada has issued embargo which, in the opinion of Charles W. Taylor, Agent, will result in the affected carriers being unable to transport traffic routed over their lines. *It is ordered, That:*

(a) Rerouting of traffic: Because of possible work stoppage and embargo placed, the following railroads and their connections:

The Canadian Pacific Railway Company rail lines in Canada, Canadian National Railway Company rail lines in Canada, Quebec Central Railway Company, The Dominion Atlantic Railway Company, Ontario Northland Railway, Napierville Junction Railway Company, Northern Alberta Railways Company, The Algoma Central and Hudson Bay Railway Company, and The Toronto, Hamilton and Buffalo Railway Company.

being unable to transport traffic in accordance with shippers' routing, are hereby authorized to divert and reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad or railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier diverting or rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic authorized by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 p.m., November 29, 1960.

(g) Expiration date: This order shall expire at 11:59 p.m., December 15, 1960, unless otherwise modified, changed, suspended or annulled.

*It is further ordered, That* this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 29, 1960.

INTERSTATE COMMERCE  
COMMISSION,  
CHARLES W. TAYLOR,  
Agent.

[F.R. Doc. 60-11351; Filed, Dec. 6, 1960;  
8:49 a.m.]

[Rev. S. O. 562, Taylor's I.C.C. Order 126-A]

### CANADIAN PACIFIC RAILWAY CO. ET AL.

#### Diversion or Rerouting of Traffic; Vacation of Order

Upon further consideration of Taylor's I.C.C. Order No. 126 (Canadian Railroads) and good cause appearing therefor:

*It is ordered, That:*

(a) Taylor's I.C.C. Order No. 126, be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 9:00 a.m., November 30, 1960.

*It is further ordered, That* this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 30, 1960.

INTERSTATE COMMERCE  
COMMISSION,  
CHARLES W. TAYLOR,  
Agent.

[F.R. Doc. 60-11352; Filed, Dec. 6, 1960;  
8:49 a.m.]

**FOURTH SECTION APPLICATIONS FOR RELIEF**

DECEMBER 2, 1960.

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. 36751: *Sugar—To points in southern territory.* Filed by O. W. South, Jr., Agent (No. A4046), for interested rail carriers. Rates on sugar, in packages (returned), in carloads, from points in southern, western trunk-line, southwestern and official (including Illinois), territories, to points in southern territory.

Grounds for relief: Carrier competition.

Tariff: Supplement 41, 26 and 22 to Southern Freight Association tariffs I.C.C. N-10, N-12 and N-5, respectively.

FSA No. 36752: *Bituminous fine coal to Oak Creek Power Plant, Wis.* Filed by Illinois Freight Association, Agent (No. 116), for interested rail carriers. Rates on bituminous fine coal, in carloads, subject to 1,000 tons of 2,000 pounds each minimum per shipment and further subject to 12-month minimum of 1,250,000 tons, from mines in Illinois, Indiana, and western Kentucky via rail-lake or all rail routes, to Oak Creek Power Plant, Wis.

Grounds for relief: Railwater and natural gas competition.

Tariff: Illinois Freight Association tariff I.C.C. 951.

FSA No. 36753: *Fresh meats and packing house products from points in central, Illinois, and WTL territories.* Filed by Western Trunk Line Committee, Agent (No. A-2156), for interested rail carriers. Rates on fresh meats and packing house products, in carloads, as described in the application, from specified points in central, Illinois, and western trunkline territories, to points in southern territory.

Grounds for relief: Truck competition, shortline distance formula and grouping.

Tariff: Western Trunk Line Committee, Agent, tariff I.C.C. A-4344, and supplements 4, 7, and 8 thereto, also other schedules listed in the application.

FSA No. 36754: *Bituminous fine coal to Franklin, Va.* Filed by O. W. South, Jr., Agent (No. A4047), for interested rail carriers. Rates on bituminous fine coal, in carloads, from origins on Southern Railway in southwest Virginia, to Franklin, Va.

Grounds for relief: Maintain origin rate relationships.

Tariff: Supplement 92 to Southern Railway Tariff I.C.C. A-11352.

FSA No. 36755: *Class and commodity rates from and to Midwest (Portage), Ogden Dunes, and Wilson, Ind.* Filed by Illinois Freight Association, Agent (No. 119), for interested rail carriers. Rates on various commodities moving on class or commodity rates from and to Midwest (Portage), Ogden Dunes, and Wilson, Ind.

Grounds for relief: Establishment of new stations.

By the Commission.

[SEAL] **HAROLD D. McCoy,**  
*Secretary.*

[F.R. Doc. 60-11349; Filed, Dec. 6, 1960; 8:48 a.m.]

**DEPARTMENT OF LABOR**

**Wage and Hour Division**

**CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES**

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alabama Textile Products Corp., Andalusia, Ala.; effective 12-1-60 to 11-30-61 (men's dress and sport shirts, work pants).

Anthracite Shirt Co., 1 South Franklin Street, Shamokin, Pa.; effective 12-1-60 to 11-30-61 (men's and boys' dress and sport shirts).

Berwick Shirt Co., 10th and Pine Streets, Berwick, Pa.; effective 11-24-60 to 11-23-61 (men's sport shirts).

Blue Bell, Inc., Mt. Jackson, Va.; effective 12-1-60 to 11-30-61 (boys', girls' and ladies' dungarees).

Duti-Duds, Inc., 1117 Clay Street, Lynchburg, Va.; effective 12-2-60 to 12-1-61 (women's cotton, nylon and dacron uniforms).

Gattman Sportswear, Inc., Gattman, Miss.; effective 11-27-60 to 11-26-61 (men's dress slacks).

Glen of Michigan, Div. of Rhea Manufacturing Co., 77 Hancock Street, Manistee, Mich.; effective 12-6-60 to 12-5-61. Learners may not be employed at special minimum wage rates in the production of separate skirts. (Misses' dresses, blouses, children's outerwear.)

International Latex Corp., Manchester, Ga.; effective 12-1-60 to 11-30-61 (brasieres).

Lady Ester Lingerie Corp., 10th and Walnut Streets, Berwick, Pa.; effective 12-1-60 to 11-30-61 (ladies' and children's slips).

Myco Manufacturing Co., Inc., Montgomery, Pa.; effective 12-1-60 to 11-30-61 (ladies' housecoats, dusters, robes).

Publix Tennessee Corp., Huntingdon, Tenn.; effective 12-1-60 to 11-30-61 (men's and boys' sport shirts).

Regal Shirt Corp., South Third Street, Catawissa, Pa.; effective 12-1-60 to 11-30-61 (men's knit sport shirts).

Wargosa Manufacturing Co., Inc., 101 Bel Air Drive, Columbia, Tenn.; effective 12-1-60 to 11-30-61 (men's sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Armored Garments, Inc., Cabin Road, Spruce Pine, N.C.; effective 12-1-60 to 11-30-61; 10 learners (boys' and men's denim dungarees).

Gloucester Pants Co., Inc., 377 Main Street, Gloucester, Mass.; effective 12-1-60 to 11-30-61; 10 learners (men's and boys' trousers).

The Jay Garment Co., Brookville, Ind.; effective 12-1-60 to 11-30-61; 10 learners (children's overalls, boys').

Meyers & Son Manufacturing Co., Inc., First and Jefferson Streets, Madison, Ind.; effective 11-14-60 to 10-8-61; 10 learners (replacement certificate) (men's one piece work suits, work aprons).

Meyers & Son Manufacturing Co., Inc., New Castle, Ky.; effective 11-16-60 to 11-15-61; 10 learners (men's one piece work suits).

More Manufacturing Co., Marissa, Ill.; effective 11-16-60 to 11-15-61; 10 learners (housecoats, pajamas and petticoats).

The following learner certificate was issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

The H. D. Lee Co., Inc., Sulphur Springs, Texas; effective 11-20-60 to 5-19-61; 50 learners (pants).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Corinth Seamless Hosiery, Inc., 311 South Liddon Lake Road, Corinth, Miss.; effective 11-19-60 to 5-18-61; 20 learners for plant expansion purposes (seamless).

Nebel Knitting Co., 101 West Worthington Avenue, Charlotte, N.C.; effective 11-22-60 to 11-21-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Triangle Hosiery Co., Inc., 510 Grimes Street, High Point, N.C.; effective 11-20-60 to 11-19-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' socks).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Brown Century Corp., Lake Village, Ark.; effective 11-16-60 to 11-15-61; 5 learners for normal labor turnover purposes (men's and boys' knitted underwear).

Brown Century Corp., Lake Village, Ark.; effective 11-16-60 to 5-15-61; 45 learners for plant expansion purposes (men's and boys' knitted underwear).

Chadbourn Textiles, Inc., Chadbourn, N.C.; effective 11-23-60 to 11-22-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted tee shirts).

## NOTICES

Cluett, Peabody & Co., Inc., Eveleth, Minn.; effective 11-28-60 to 11-27-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's underwear).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Loree Footwear Corp., Jefferson County, Big Run, Pa.; effective 12-1-60 to 11-30-61; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's casuals).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of

any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 25th day of November 1960.

ROBERT G. GRONEWALD,  
*Authorized Representative  
of the Administrator.*

[F.R. Doc. 60-11361; Filed, Dec. 6, 1960;  
8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

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