AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Pages 2415–2467

FEDERAL REGISTER

VOLUME 25 NUMBER 57

Washington, Wednesday, March 23, 1960

Contents

Agricultural Research Service

RULES AND REGULATIONS:
Reinspection and preparation of products; correction of CFR Supplement 2417

Agriculture Department

See Agricultural Research Service.

Atomic Energy Commission

NOTICES:
Licenses and permits:
Mines Development, Inc 2465
North Carolina State College 2464
University of Kansas 2465

Civil Aeronautics Board

NOTICES:
Reopened Intro-Alaska case; hearing 2440

PROPOSED RULE MAKING:
Principles of practice; rules of practice in economic proceedings 2436

RULES AND REGULATIONS:
Construction, publication, filing and posting of tariffs of air carriers and foreign air carriers; posting of notices; postponement of effective date 2417

Commerce Department

NOTICES:
Statements of financial interests:
Browne, Richard D 2464
Clark, Thomas C., II 2464
Taggert, Eubert F 2464
Turner, L. Mason 2464

Customs Bureau

NOTICES:
Poultry grit from Canada; purchase price 2440

Federal Aviation Agency

PROPOSED RULE MAKING:
Airworthiness directives; Mooney aircraft 2438
Federal airways and associated control areas; modification 2439

RULES AND REGULATIONS:
Airworthiness directives:
Brantly B–2 helicopters 2418
Vickers Viscount 745D aircraft 2418
Restricted areas; modification 2418

Federal Communications Commission

NOTICES:
Hearings, etc.:
Standard broadcast applications ready and available for processing 2440
Supreme Broadcasting Co., Inc., of Puerto Rico and Radio American West Indies, Inc 2440

RULES AND REGULATIONS:
Reallocation of certain fixed, land mobile, and maritime mobile bands 2421
Transmitter identification card 2422

Federal Home Bank Board

RULES AND REGULATIONS:
Organization of the banks; surrenders and cancellation of stock certificates 2417

Food and Drug Administration

PROPOSED RULE MAKING:
Food additives; filing of petition 2436

General Services Administration

See Public Buildings Service.

Health, Education, and Welfare Department

See Food and Drug Administration.

Interior Department

See Land Management Bureau.

Internal Revenue Service

PROPOSED RULE MAKING:
Employment taxes 2425

RULES AND REGULATIONS:
Income tax; taxable years beginning after Dec. 31, 1953; exclusion of amounts received as a scholarship or fellowship grant 2420

Interstate Commerce Commission

NOTICES:
Direct Transport Co., Inc 2442
Motor carriers:
Alternate route deviation notices 2443
Applications and certain other proceedings 2444
Transfer proceedings 2441
Proceeding under 1958 Transportation Act 2442

Justice Department

See Prisons Bureau.

Land Management Bureau

NOTICES:
New Mexico; proposed withdrawal and reservation of lands 2440

RULES AND REGULATIONS:
Boundaries of known geologic structures and productive limits of producing oil and gas fields and deposits 2421

Narcotics Bureau

PROPOSED RULE MAKING:
Certain drugs; addiction-forming or addiction sustaining liability 2425

Prisons Bureau

RULES AND REGULATIONS:
Rewards for capture of escaped Federal prisoners 2420

(Continued on next page)

Public Buildings Service

NOTICES:
Transfer of property known as Headwaters Reservoirs, Aitkin County, Minn. 2464

Railroad Retirement Board

RULES AND REGULATIONS:
Annuities due but unpaid at death 2419

Securities and Exchange Commission

NOTICES:
Hearings, etc.:
Allen, Leon B., Fund, Inc., and Gillen & Co. 2462
One William Street Fund, Inc. 2462
UBS Fund of Canada, Ltd. 2463

Treasury Department

See Customs Bureau; Internal Revenue Service; Narcotics Bureau.

Veterans Administration

RULES AND REGULATIONS:
Medical; eligibility for hospital or domiciliary care 2420

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

9 CFR

18 2417

12 CFR

522 2417

14 CFR

221 2417
507 (2 documents) 2418
608 2418
PROPOSED RULES:
300 2436
302 2436
507 2438
600 2439
601 2439

20 CFR

234 2419

21 CFR

PROPOSED RULES:
121 2436
304 2425

26 (1954) CFR

1 2420
PROPOSED RULES:
31 2425

28 CFR

7 2420

38 CFR

17 2420

43 CFR

192 2421

47 CFR

2 2421
5 2422
7 2422
8 2422
9 2422
10 2422
11 2422
16 2422
19 (2 documents) 2421, 2422
21 2422

Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Titles 10–13 $0.50
Titles 22–23 .45
Title 32, Part 1100 to End .60
Title 38 1.00

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Title 8 ($0.40); Title 9 ($0.35); Title 20 ($1.25); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 170–221 ($2.25); Titles 30–31 ($0.50); Title 32, Parts 700–799 ($1.00); Title 36, Revised ($3.00); Title 46, Parts 146–149, Revised ($6.00); Title 49, Parts 1–70 ($1.75); Parts 91–164 ($0.45).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

REpublic 7-7500 Extension 3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 18—REINSPECTION AND PREPARATION OF PRODUCTS

Correction of CFR Supplement as of January 1, 1960

In the amendment of § 18.7(m)(2) appearing at page 4 of the Code of Federal Regulations supplement to Title 9, as of January 1, 1960, the note in brackets at the end of the subparagraph is incorrect. It should read "[Subparagraph (2) amended, 24 F.R. 9415, Nov. 24, 1959; 24 F.R. 9975, Dec. 10, 1959]."

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 13288]

PART 522—ORGANIZATION OF THE BANKS

Dispensing With Surrender and Cancellation of Stock Certificates

MARCH 17, 1960.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of Part 522 of the regulations for the Federal Home Loan Bank System (12 CFR Part 522) for the purpose of deleting the requirements in said part relating to the surrender and cancellation of stock certificates because, with the adoption of a form of stock certificate which expressly provides that said stock certificate shall supersede any previously issued stock certificates, the need for surrendering and cancelling stock certificates in the cases involved in the regulations in this part no longer exists; and for the purpose of effecting such amendment, hereby amends said part as follows, effective March 23, 1960:

(1) Section 522.10 of said part (12 CFR Part 522) is hereby amended to read as follows:

§ 522.10 Issuance of stock certificates.

When a Bank receives advice that an institution has been approved for membership by the Board, it shall issue as of the effective date of such membership, in the name of such member, a certificate of stock for the full amount of such member's stock subscription and upon the issuance of such certificate, such member shall be deemed a stockholder of record; but where such member has not made full and final payment on account of its stock subscription, the Bank shall hold the stock certificates so issued until full payment therefor has been received by the Bank. Upon the change in the name of a member a new certificate shall be issued in the new name of the member.

(2) Section 522.11 of said part (12 CFR Part 522) is hereby amended to read as follows:

§ 522.11 Stock certificates in consolidations.

Upon the consolidation of two or more member institutions into a single institution operating under the charter of one of the consolidating institutions, the stock subscriptions of the institutions, other than the one surviving, may be refunded to the consolidated institution after adjustment to the minimum number of shares required to be held by the consolidated institution under the provisions of section 6(c) and/or section 10(c) of the act.

(3) Section 522.12 of said part (12 CFR Part 522) is hereby amended to read as follows:

§ 522.12 Stock certificates in reorganizations.

If a member institution reorganizes by transferring all of its assets to another institution or by transferring a portion of its assets to such institution and retaining the remainder for liquidating, the Bank shall, subject to the approval of the Board, and providing no advances are outstanding necessitating the holding of the stock as collateral, either refund to the member the value thereof (which shall not exceed the amount paid in), or, at its discretion, to the institution acquiring the assets; except, however, in lieu of the latter, if the institution acquiring the assets has made application and has been approved for membership, the Bank is authorized to apply as a payment on the stock subscription of such institution the refund value of the liquidating member's stock.

Resolved further that as said amendments relate to procedure and practice in the issuance of said stock certificates by the Federal Home Loan Banks and, since said amendments relieve restriction, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act, and for the same causes, deferment of the effective date thereof is not required under section 4(c) of said Act.

(Secs. 6, 17, 47 Stat. 727, 736, as amended; 12 U.S.C. 1426, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 60-2589; Filed, Mar. 22, 1960; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—ECONOMIC REGULATIONS

[Reg. No. ER-297]

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

Posting of Notices; Postponement of Effective Date

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of March 1960.

By Amendment No. 4 to Part 221 (25 F.R. 723), adopted January 25, 1960, which is presently scheduled to become effective on March 28, 1960, the Board added new § 221.173 requiring air carriers to display continuously and conspicuously at each station or office where tariffs must be posted a notice advising the public that all of its currently effective tariffs are on file there and available for public inspection. Section 221.173 is designed to implement and make effective the underlying requirement of § 221.171 that each air carrier shall post all tariffs which it has either issued or concurred in at every station and office which it operates.

On February 15, 1960, Eastern Air Lines petitioned the Board to postpone the effective date of this amendment for a period of 60 days. Subsequently, on March 1, 1960, Capital Airlines filed a supporting petition. The petitioners do not directly challenge the provisions of § 221.173. Rather, they seek the requested postponement on the ground that they intend to file a formal petition seeking an amendment of § 221.171 which would relieve the air carriers subject thereto from the requirement that they must post all tariffs which they have issued or concurred in at every operating station and office. The petitioners contend that only those tariffs which relate to the services offered to the public at a given location should be required to be posted there. Eastern states that it will soon formally petition the Board to revise § 221.171 in this manner. Finally, they point out that compliance with the notice posting requirement of new § 221.173 will impose a significant administrative burden and that such notices would have to be reprinted and

again posted if the Board should decide to revise the underlying tariff posting requirement of § 221.171 shortly after March 28, 1960.

In order to avoid the unnecessary burden on the carriers which would result should the Board decide to amend the underlying tariff posting requirement, the Board has decided to postpone the auxiliary notice requirement of § 221.173 for a period of 60 days. This action should not be construed as a prejudgment of the question of whether § 221.171 should be amended.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby changes the effective date of Amendment No. 4 to Part 221 from March 28, 1960 to May 27, 1960.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply sec. 403, 72 Stat. 758, 49 U.S.C. 1373)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 60-2602; Filed, Mar. 22, 1960; 8:48 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 318; Amdt. 116]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount 745D Aircraft

Airworthiness Directive Amdt. 78, 25 F.R. 336 required certain Viscount aircraft to have skin to spar attachment bolts replaced by oversized bolts within 10,000 hours or five years from date of manufacture, whichever occurred first.

On the basis of a subsequent evaluation, it has been determined that the aircraft may be operated for 13,000 hours before the oversize bolt installation is necessary provided a sampling inspection is made between 9,000 and 10,000 hours and no corrosion is found. Therefore, Amdt. 78, 25 F.R. 336 is being superseded by a new directive which incorporates this provision.

Since this amendment constitutes a relaxation, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a), (14 CFR Part 507), is amended as follows:

VICKERS. Applies to Viscount Model 745D Serial Numbers 103 to 107 inclusive, 109 to 134 inclusive, 136 to 139 inclusive, 183, 184, 185, 191, 198 to 217 inclusive, 231, 232, 233, 234, 285, 334.

Compliance required as indicated.

As a result of instances of corrosion which have been found to occur in the skin to wing spar boom attachment holes, it is necessary that aircraft built to Modification D.953 standard have oversized skin to spar attachment bolts installed in the inner and outer top booms (unbushed) in accordance with part (e) of Vickers Modification Bulletin No. D.2081. The oversize bolts are of S.80 material cadmium plated either 1/32" or 1/16" oversize as required, depending upon the state of the holes; this is determined by the inspections detailed in the modification leaflet. Thickol is used as sealant when the oversize bolts are fitted.

Compliance: (a) Bolt installation in accordance with Modification D.2081, part (e), is required within 10,000 hours time in service or five calendar years from the date of aircraft manufacture, whichever occurs first, unless a satisfactory sampling inspection as covered in (b) is accomplished.

(b) Bolt installation in accordance with Modification D.2081, part (e), may be accomplished by an operator within 13,000 hours time in service provided a satisfactory sampling inspection for corrosion is conducted on five complete aircraft sets of top skin to spar attachment bolts. This sampling inspection must be conducted on the operator's aircraft which have between 9,000 and 10,000 hours time in service. Corresponding spar bolt holes also must be inspected for corrosion when the bolts are removed. If any corrosion is found on the bolts or in the spar bolt holes, Modification D.2081, part (e) must be accomplished within 10,000 hours time in service or five calendar years from the date of aircraft manufacture, whichever occurs first.

(Modification Bulletin D.2081 covers this subject.)

This supersedes Amdt. 78, 25 F.R. 336.

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

Issued in Washington, D.C., on March 17, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-2569; Filed, Mar. 22, 1960; 8:45 a.m.]

[Reg. Docket No. 319; Amdt. 117]

PART 507—AIRWORTHINESS DIRECTIVES

Brantly B-2 Helicopters

As a result of failures of the tail rotor drive shaft on Brantly B-2 helicopters, it was determined that safety in air commerce and public interest required emergency suspension of the airworthiness certificates for these helicopters until satisfactory corrective action could be taken. The manufacturer has developed design changes which, when incorporated, will preclude recurrence of failures.

Since the purpose of this directive is to provide a modification which will permit these helicopters to be returned to service, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a), (14 CFR Part 507), is amended as follows:

BRANTLY. Applies to Model B-2 helicopters.

Compliance required as indicated.

(a) Applies to Serial Numbers 1 through 31. Compliance required prior to next flight.

Failures of the tail rotor drive shaft through the cooling fan drive pulley bolt hole have occurred. These failures result in loss of directional control. To relieve stresses in this area and preclude recurrence of these failures, the tail rotor drive system must be modified to incorporate:

(1) New long tail rotor drive shaft P/N 108-31 incorporating 2½-inch long plug pinned in forward end of shaft at support location for cooling fan drive pulley,

(2) Redesigned cooling fan drive pulley bearing support sleeve P/N 339-19,

(3) New cooling fan drive pulley P/N 339-4,

(4) New Housing spacer P/N 339-18,

(5) New pin retainer P/N 339-17,

(6) New tail rotor shaft forward support bearing P/N 88505,

(7) New cooling fan attach bolt AN173-14A with AN960-10 washer and AN365-1032 nut.

(Brantly Service Bulletin No. 2 covers this same subject.)

(b) Applies to all Model B-2 helicopters. Compliance required every 100 hours of operation after compliance with item (a).

Remove the oil cooler fan drive pulley, forward long tail rotor drive shaft bearing and bearing support, nylon pin retainer, and flush drive pin. Visually inspect the AN173-14A pulley attach bolt and P/N 108-59 pin for wear, and the bolt and pin holes in the P/N 339-4 fan drive pulley and P/N 108-31 long tail rotor drive shaft for elongation. Thoroughly clean the long tail rotor drive shaft in the vicinity of the bolt and pin holes and dye penetrant inspect the shaft in this area with a 10-power glass for cracks. Any defective parts must be replaced prior to further operation.

(Brantly Service Bulletin No. 3 covers this subject.)

This amendment shall become effective upon date of its publication in the FEDERAL REGISTER.

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

Issued in Washington, D.C., on March 18, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-2600; Filed, Mar. 22, 1960; 8:48 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-210; Amdt. 58]

PART 608—RESTRICTED AREAS

Modification of Restricted Area/Military Climb Corridor

On October 2, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 7967) stating that the Federal Aviation Agency was considering an amendment to § 608.30 of the regulations of the Administrator which would modify the upper limits of Restricted Area/Military Climb Corridor (R-562) associated with Kincheloe Air Force Base (formerly Kinross AFB), Sault Ste. Marie, Mich.

The notice stated that the present climb corridor extends from a point five miles from the Kincheloe Air Base on the 149° radial of the TVOR to a point 32 miles southeast, and in addition that the second designated altitude block extended from 2,800 feet to 24,000 feet. This description of the climb corridor was incorrect as the corridor actually extends from a point seven statute miles from the Kincheloe TVOR on the 149° True radial of the TVOR to a point 34 statute miles southeast of the TVOR, and the altitude block should have been described as extending from 2,800 feet to

24,800 feet. The lower altitude limits extend in graduated steps from 2,800 feet MSL to 19,800 feet MSL. The upper limits extend from 10,800 feet MSL to 27,000 feet MSL. The upper limits of the present Kincheloe AFB Restricted Area/Military Climb Corridor will not contain later models of the century series aircraft due to the ability of the aircraft to reach high speeds and high rate of climb in a short time after takeoff. Accordingly, to provide protection for the air defense aircraft and other aircraft operating in the vicinity of the air base, higher upper altitude limits will be designated for the Restricted Area/Military Climb Corridor. This action will result in the upper limits of the climb corridor extending from 15,800 feet MSL to 27,000 feet MSL. The upper altitude in the second block is corrected to read 24,800 feet rather than 24,000 feet. Also, it will be necessary to correct the designated distances as described in the notice to coincide with the redescription of the climb corridor to commence 7 miles from the TVOR.

Comments were received from the U.S. Air Force pointing out the discrepancies in the notice referred to above. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the following action is taken:

In § 608.30, the Sault Ste. Marie, Mich., Kincheloe AFB Restricted Area/Military Climb Corridor (R–562) (Lake Superior and Green Bay Charts) (24 F.R. 3229) is amended to read as follows:

Description. The airspace centered on the 149° True radial of the Kincheloe TVOR (latitude 46°14'48" N., longitude 84°28'10" W.) extending from a point seven statute miles southeast of the TVOR to a point 34 statute miles southeast of the TVOR having a width of two statute miles at a point seven statute miles from the TVOR and expanding to a width of 4.6 statute miles at a point 34 statute miles from the TVOR.

Designated altitudes. 2,800' to 15,000' MSL from a point 7 statute miles southeast of the TVOR to a point 8 statute miles southeast of the TVOR.

2,800' to 24,800' MSL from a point 8 statute miles to a point 10 statute miles from the TVOR.

2,800' to 27,000' MSL from a point 10 statute miles to a point 12 statute miles from the TVOR.

6,800' to 27,000' MSL from a point 12 statute miles to a point 17 statute miles from the TVOR.

10,800' to 27,000' MSL from a point 17 statute miles to a point 22 statute miles from the TVOR.

15,800' to 27,000' MSL from a point 22 statute miles to a point 27 statute miles from the TVOR.

19,800' to 27,000' MSL from a point 27 statute miles to a point 34 statute miles from the TVOR.

Time of designation. Continuous.

Controlling agency. USAF Air Traffic Control Tower, Kincheloe AFB.

This amendment shall become effective 0001 e.s.t. May 5, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on March 17, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60–2570; Filed, Mar. 22, 1960; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 234—ANNUITIES DUE BUT UNPAID AT DEATH

Miscellaneous Amendments

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, 45 U.S.C. 228j), §§ 234.1, 234.2 of Part 234 (20 CFR 234.1, 234.2) of the regulations under such act are amended and §§ 234.3, 234.4, 234.5, 234.6 are added by Board Order 60–40, dated March 9, 1960, to read as follows:

§ 234.1 Employee annuities due but unpaid at death.

(a) Annuities which will have become due an employee but will not have been paid at the employee's death, if such death shall have occurred after September 1958, shall be paid to the person, if any, who will have been determined by the Board to be such employee's widow or widower and to have been living with (see § 239.6 of this chapter) the employee at the time of the employee's death and who will not have died before receiving payment of such annuities.

(b) If there is no such widow or widower, then such annuities shall be payable to: (1) Any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid the burial expenses of the employee and to the extent that he or they will not have been reimbursed under section 5(f)(1) of the act for having paid such expenses. If there is no such person or persons or if the total of such annuities exceeds the amount payable under this subparagraph, such total, or the remainder thereof, as the case may be, shall be paid in the order named and in equal shares to the person or persons in the following groups whose relationship to the employee will have been determined by the Board and who will not have died before receiving payment of such annuities; (2) children; (3) grandchildren; (4) parents; (5) brothers and sisters.

§ 234.2 Spouse annuities due but unpaid at death.

(a) Annuities which will have become due a spouse but will not have been paid at the spouse's death, if such death shall have occurred after September 1958, shall be paid to the employee from whose employment such spouse's annuity derived and who will not have died before receiving payment of such annuities.

(b) If the employee died before receiving payment, such annuities shall then be paid as provided in § 234.1(b) as if they were annuities due the employee but unpaid at the time of such employee's death.

§ 234.3 Insurance annuities due but unpaid at death.

(a) Insurance annuities which will have become due a survivor of an employee but will not have been paid at the survivor's death, if such death shall have occurred after September 1958, shall be paid to the person, if any, who will have been determined by the Board to be such employee's widow or widower and to have been living with (see § 239.6 of this chapter) the employee at the time of the employee's death and who will not have died before receiving payment of such annuities.

(b) If there is no such widow or widower, such annuities shall be paid in the order named and in equal shares to the person or persons in the following groups whose relationship to the employee will have been determined by the Board and who will not have died before receiving payment of such annuities: (1) Children; (2) grandchildren; (3) parents; (4) brothers and sisters.

§ 234.4 Joint and survivor annuities due but unpaid at death.

Survivor annuities pursuant to an election which will have become due a survivor of an employee but will not have been paid at the survivor's death, if such death shall have occurred after September 1958, shall be paid in the order named and in equal shares to the person or persons in the following groups whose relationship to the employee will have been determined by the Board and who will not have died before receiving payment of such annuities: (a) Children; (b) grandchildren; (c) parents; (d) brothers and sisters.

§ 234.5 Time of filing application.

An application for annuities due but unpaid at death must be filed with the Board on its prescribed form no later than the second anniversary of the death of the person to whom such annuities were originally due.

§ 234.6 Escheat.

If there is no person to whom can be made all or part of a payment described in §§ 234.1, 234.2, 234.3, and 234.4, such payment or part thereof shall escheat to the credit of the Railroad Retirement Account.

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

Dated: March 16, 1960.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F.R. Doc. 60–2592; Filed, Mar. 22, 1960; 8:47 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6456]

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

Exclusion of Amounts Received as a Scholarship or Fellowship Grant

In order to conform the Income Tax Regulations (26 CFR Part 1) relating to section 117 of the Internal Revenue Code of 1954 to the Tax Court decision in Max and Pearl Evans Isenbergh (1959) 31 T.C. 1046, such regulations are amended as follows:

Paragraph (b) (1) and (2) of § 1.117–1 is amended to read as follows:

§ 1.117–1 Exclusion of amounts received as a scholarship or fellowship grant.

* * * * *

(b) *Exclusion of amounts received to cover expenses.* (1) Subject to the limitations provided in subparagraph (2) of this paragraph, any amount received by an individual to cover expenses for travel (including meals and lodging while traveling and an allowance for travel of the individual's family), research, clerical help, or equipment is excludable from gross income provided that such expenses are incident to a scholarship or fellowship grant which is excludable from gross income under section 117(a)(1). If, however, only a portion of a scholarship or fellowship grant is excludable from gross income under section 117(a)(1) because of the part-time employment limitation contained in section 117(b)(1) or because of the expiration of the 36-month period described in section 117(b)(2)(B), only the amount received to cover expenses incident to such excludable portion is excludable from gross income. The requirement that these expenses be incident to the scholarship or the fellowship grant means that the expenses of travel, research, clerical help, or equipment must be incurred by the individual in order to effectuate the purpose for which the scholarship or the fellowship grant was awarded.

(2)(i) In the case of a scholarship or fellowship grant which is awarded after July 28, 1956, the exclusion provided under subparagraph (1) of this paragraph is not applicable unless the amount received by the individual is specifically designated to cover expenses for travel, research, clerical help, or equipment.

(ii) In the case of a scholarship or fellowship grant awarded before July 29, 1956, the exclusion provided under subparagraph (1) of this paragraph is not applicable unless the recipient establishes, by competent evidence, that the amount was received to cover expenses for travel, research, clerical help, or equipment, but such amount need not be specifically designated. The fact that the recipient actually incurred expenses for travel, research, clerical help, or equipment is not sufficient to establish that the amount was received to cover such expenses.

(iii) The exclusion provided under subparagraph (1) of this paragraph is applicable only to the extent that the amount received for travel, research, clerical help, or equipment is actually expended for such expenses by the recipient during the term of the scholarship or fellowship grant and within a reasonable time before and after such term.

Because this Treasury decision makes only liberalizing changes, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

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

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: March 17, 1960.

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

[F.R. Doc. 60–2596; Filed, Mar. 22, 1960; 8:48 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

PART 7—REWARDS FOR CAPTURE OF ESCAPED FEDERAL PRISONERS

By virtue of the authority vested in the Attorney General by section 3059 of title 18 of the United States Code and delegated to me by section 17 of Order No. 175–59 of January 19, 1959 (24 F.R. 2452), I hereby prescribe the following regulations relating to rewards for the capture of escaped Federal prisoners:

Sec.
7.1 Standing offer of reward.
7.2 Amount of reward.
7.3 Eligibility for reward.
7.4 Procedure for claiming reward.
7.5 Certification.

AUTHORITY: §§ 7.1 to 7.5 issued under sec. 161, R.S.; 18 U.S.C. 3059.

§ 7.1 Standing offer of reward.

A standing offer of reward is made for the capture, or for assisting in, or furnishing information leading to, the capture, of an escaped Federal prisoner, in accordance with the conditions stated in this part.

§ 7.2 Amount of reward.

Within the discretion of the Warden or United States Marshal concerned, a reward not in excess of $200 may be granted for each capture of a prisoner and to more than one claimant, as determined applicable and appropriate. The Director of the Bureau of Prisons may in exceptional circumstances, as determined by him, grant rewards in excess of $200. Bodily harm, damage, violence, intimidation, terrorizing, risks, etc., will be considered in determining the appropriate amount of reward.

§ 7.3 Eligibility for reward.

A reward may be paid to any person, except an official or employee of the Department of Justice or a law-enforcement officer of the United States Government, who personally captures and surrenders an escaped Federal prisoner to proper officials, or who assists in the capture, of an escaped Federal prisoner.

§ 7.4 Procedure for claiming reward.

A person claiming a reward under this part shall present his claim, within six months from the date of the capture, in the form of a letter to the Warden or United States Marshal concerned. The letter shall state fully the facts and circumstances on which the claim is based, and shall include the name of each escapee captured and the time and place of the capture, and details as to how the arrest was made by the claimant or as to how assistance was rendered to others who made the arrest.

§ 7.5 Certification.

The claim letter required under section 7.4 shall contain the following certification immediately preceding the signature of the claimant:

I am not an officer or employee of the Department of Justice or a law-enforcement officer of the United States Government.

These regulations supersede Circular No. 2689, as amended July 1, 1941.

J. V. BENNETT,
Director,
Bureau of Prisons.

[F.R. Doc. 60–2599; Filed, Mar. 22, 1960; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 17—MEDICAL

Considerations Applicable in Determining Eligibility for Hospital or Domiciliary Care

In § 17.48, paragraph (d) is amended to read as follows:

§ 17.48 Considerations applicable in determining eligibility for hospital or domiciliary care.

* * * * *

(d) Under paragraph (c)(3) of § 17.47:

(1) "No adequate means of support." When an applicant is receiving an income of $200 or more per month from any source for his own use, this fact will be considered prima facie evidence that he has adequate means of support. This is subject to rebuttal by a showing that his income is not adequate to provide the care required by reason of his disability or that the income is not available for his use because of other obligations such as contributions in whole or in part to

the support of a spouse, child, mother, or father. In all such cases of alleged inadequate means of support, the circumstances will be submitted to the Manager for decision.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective March 23, 1960.

[SEAL] ROBERT J. LAMPHERE,
Associate Deputy Administrator.

[F.R. Doc. 60-2608; Filed, Mar. 22, 1960; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER L—MINERAL LANDS

[Circular 2039]

PART 192—OIL AND GAS LEASES

Boundaries of Known Geologic Structures and Productive Limits of Producing Oil and Gas Fields and Deposits

On page 283 of the FEDERAL REGISTER of January 13, 1959, there was published a notice and text of a proposed amendment of § 192.6 of Title 43, Code of Federal Regulations. The purpose of the proposed amendment was to prevent any misunderstanding as to the Department's practice in preparing and filing maps and diagrams in connection with determinations of the boundaries of known geologic structures of producing oil and gas fields.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with regard to the proposed amendment. Objections were received that the § 192.6 and the proposed amendment did not accurately reflect the Department's procedures in determining known structures, and helpful suggestions were made for improving the section to afford lessees, their operators, and applicants for leases, a better understanding of the Department's practice and procedure in this regard.

In consideration of the foregoing, § 192.6 is amended to read as follows:

§ 192.6 Boundaries of known geologic structures and productive limits of producing oil or gas fields and deposits.

(a) The Director of the Geological Survey will determine the boundaries of the known geologic structures of producing oil or gas fields, and, where necessary to effectuate the purposes of the act, the productive limits of producing oil or gas deposits as such limits existed on August 8, 1946.

(b) Determinations of "structures defined" will be followed, as soon as practicable, by the filing in the appropriate land office of maps or diagrams showing the structure boundaries, and by publication in the FEDERAL REGISTER of notices that the determinations have been made. Because determinations of "structures undefined" are usually of a more temporary nature, maps or diagrams thereof will not be filed and notices thereof will not be published; however, a memorandum of each such determination will be filed in the appropriate land office and will be available for public inspection. Additional information concerning the procedures used in making the determinations may be obtained from the Geological Survey, Washington 25, D.C.

(c) In accordance with long-standing rulings of the Department, if the producing character of a structure underlying a tract of land is actually known prior to the date of the Department's official pronouncement on that subject, it is the date of the ascertainment of the fact, and not the date of the pronouncement, that is determinative of rights which depend upon whether the land is or is not situated within a known geologic structure of a producing oil or gas field. Ernest A. Hanson, A-26375 (May 29, 1952), and cases cited therein. All determinations are subject to change at any time upon receipt of further information through the drilling of wells and other sources. Accordingly, lessees or applicants for leases should not rely upon the maps, diagrams, determinations or notices thereof, as currently controlling documents.

(d) Any lessee or his operator may apply to the Director of the Geological Survey for a determination whether the land in his lease is inside or outside the productive limits of a producing oil or gas deposit as such limits existed on August 8, 1946.

This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(Sec. 32, 41 Stat. 450; 30 U.S.C. 189)

Dated: March 17, 1960.

ELMER F. BENNETT,
Acting Secretary of the Interior.

[F.R. Doc. 60-2573; Filed, Mar. 22, 1960; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11959, FCC 60-256]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 19—CITIZENS RADIO SERVICE

Reallocation of Certain Fixed, Land Mobile, and Maritime Mobile Bands

1. On April 3, 1957, the Commission adopted a notice of proposed rule making in the above-entitled matter which was released on April 9, 1957, and published in the FEDERAL REGISTER of April 16, 1957 (22 F.R. 2583). A correction to the notice adding footnote designators to certain specified frequency bands was released on April 11, 1957, and published in the FEDERAL REGISTER of April 26, 1957 (22 F.R. 2956). The First Memorandum Report and Order in this Docket, which applied only to Land Transportation and Maritime Mobile Services in the 152–162 Mc band, was adopted by the Commission on April 9, 1958, and published in the FEDERAL REGISTER on April 15, 1958 (23 F.R. 2424). A corrected copy of the Order was published in the FEDERAL REGISTER on April 19, 1958 (23 F.R. 2601). The Second Memorandum Report and Order in this Docket, which implemented "split channel" proposals for the Public Safety Radio Service in the 150.8–162 Mc and 450–460 Mc bands and for the remaining services in the 150.8–162 band, was adopted by the Commission on May 8, 1958, and published in the FEDERAL REGISTER of May 17, 1958 (23 F.R. 3351). The Third Memorandum Report and Order in this Docket, which reallocated certain portions of the 460–470 Mc Citizens Radio band to Industrial Radio Services and implemented Commission proposals relating to the unavailability of 161.85 Mc to the Maritime Mobile Service in Puerto Rico and the Virgin Islands, a slight shifting of the 160 Mc band available for assignment to remote pickup stations in Puerto Rico and the Virgin Islands on a shared basis with the Railroad Radio Service, and the availability of certain taxicab "splits" to the Industrial Radio Services outside standard metropolitan areas of 50,000 or more population, was adopted by the Commission on June 18, 1958 and published in the FEDERAL REGISTER of June 28, 1958 (23 F.R. 4782). The Fourth Memorandum Report and Order in this Docket, which reallocated the 11 meter amateur band, 26.96–27.23 Mc, to the Citizens Radio Service, was adopted by the Commission on July 31, 1958, and published in the FEDERAL REGISTER of August 9, 1958 (23 F.R. 6111). The Fifth Memorandum Report and Order, which withdrew the Commission's proposal to reallocate the 455–456 Mc and 460–461 Mc bands to the Domestic Public Land Mobile Service, was adopted by the Commission on December 2, 1959 and published in the FEDERAL REGISTER of December 9, 1959 (24 F.R. 9939).

2. A second notice of proposed rule making in this Docket, which proposed to establish an air-ground public radiotelephone service in the Domestic Public land mobile bands 454.40–455 Mc and 459.40–460, and to reallocate 460–461 Mc to the Industrial Radio Services, was adopted by the Commission on December 2, 1959, and published in the FEDERAL REGISTER of December 9, 1959 (24 F.R. 9937). On February 17, 1960, the Commission adopted a Sixth Memorandum Report and Order, published in the FEDERAL REGISTER of February 25, 1960 (25 F.R. 1614), which amended, effective April 1, 1960, Part 2 of the Commission's rules to accomplish the changes proposed in the second notice of proposed rule making in this proceeding. The suballocation of the 460–461 Mc band was left for separate rule making proceeding by amendment of Part 11, Industrial Radio Services, and the remaining outstanding proposals in Docket No. 11959

to reallocate 161.645–161.825 Mc, 462.525–463.225 Mc, and 465.275–466.475 Mc was left for disposal at a later date when appropriate.

3. The Sixth Memorandum Report and Order in reallocating the 460–461 Mc band from the Citizens Radio Service to the Industrial Radio Service failed to provide a period during which persons licensed in the Citizens Radio Service prior to April 1, 1960, to operate on frequencies in this band could amortize their equipment investment. The Commission believes that the public interest, convenience, and necessity requires that such licensees be afforded a period of at least five years to amortize their equipment investment before being required to either shift frequencies or transfer their operations to another service.

4. Accordingly, pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended: *It is ordered,* That all licensees in the Citizens Radio Service operating stations, prior to April 1, 1960, on a frequency in the 460–461 Mc band may upon proper renewal continue to use that frequency until not later than March 31, 1965. Codification of this provision into Part 19, Citizens Radio Service, will be accomplished by a separate editorial order.

Adopted: March 16, 1960.

Released: March 18, 1960.

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

[F.R. Doc. 60–2607; Filed, Mar. 22, 1960; 8:49 a.m.]

[Docket No. 12573; FCC 60–255]

PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATION ON SHIPBOARD IN THE MARITIME SERVICES

PART 9—AVIATION SERVICES

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

PART 19—CITIZENS RADIO SERVICE

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Transmitter Identification Card

1. Notice of proposed rule making in the above-entitled matter was released by the Commission on August 5, 1958 (FCC 58–790). This notice, which made provision for the filing of comments, was published in the FEDERAL REGISTER on August 9, 1958 (23 F.R. 6147).

2. The notice proposed to amend portions of specified sections of the Commission's rules presently requiring posting of a Transmitter Identification Card (FCC Form 452–C) so as (a) to permit the use of plates of metal or other durable material as an optional alternative to the Commission's paper FCC Form 452–C, and (b) to require such identification cards or plates to be posted in a position readily accessible for inspection. In addition, to the extent that the specified rules presently require the use of FCC Form 452–C on mobile transmitters or a fixed transmitter authorized to be operated at temporary locations, and such transmitters are not in view of the transmitter operating position, then the identification card or alternative plate would be required to be affixed to the control equipment for such transmitters at the operating position.

3. Comments were filed by the following:

City of Rochester, New York.
State of California.
Aeronautical Radio, Inc.
State of Nebraska.
City of Burbank, California.
California Public-Safety Radio Association, Inc.
Association of American Railroads.
National Committee for Utilities Radio.
Electronic Industries Association.
United States Independent Telephone Association.
Central Committee on Radio Facilities of the American Petroleum Institute.
State Highway Patrol of South Carolina.
City of San Diego, California.

All comments have been considered; the major objections to some of the provisions of the proposed rules and the suggestions for further revisions are discussed below.

4. None of the respondents objected to the proposal to permit licensees to use a plate of metal or other durable substance as an alternative to using the FCC Form 452–C. Such proposed amendments which will facilitate licensee compliance with the Commission's rules therefor are adopted.

5. The Electronics Industries Association (EIA) queried the need to require any such identification card or plate on transmitters at all, and the City of Rochester, New York, queried the need thereof in marked vehicles of a police or fire department. They contend that the Commission's inspectors could ascertain the information contained on the identification card from the licensee's employees. The Commission had explored thoroughly the feasibility of eliminating the requirement of transmitter identification cards prior to issuing the Notice in this proceeding and has reconsidered it since receiving the comment herein. Based on the practical demonstration of actual experience, we have concluded that such identification card serves a useful purpose in that it facilitates inspections and enforcement, and is in the public interest. Therefore, the suggestion to eliminate this requirement is rejected.

6. E.I.A. also suggested that, if the requirement for an identification card is continued, the information required thereon be reduced to the call sign and the licensee's name. The Commission finds that this suggestion has some merit, but it considers the address of the licensee on the card is necessary for the purpose of assisting Commission inspectors to locate the person responsible for a particular transmitter. Therefore, it has been concluded that this purpose will be served by requiring only the call sign and the licensee's name and address on such transmitter identification cards or plates. Such conclusion is reflected in the rule amendments adopted herein.

7. The proposal for amendment of the rules to require the posting of the identification card or plate on the control equipment when the transmitter is not in view of the transmitter operating position received the most comment. Many respondents asserted that the card or plate could not be attached to the control equipment because such equipment is too small, in many cases, and, in any event, the tag or card attached thereon would be easily damaged or lost. Various suggestions were advanced for meeting the foregoing problems among which were posting the plate or card: (1) On the transmitter only; (2) on or near the control equipment; (3) on the transmitter or control equipment at the option of the licensee; and (4) on the transmitter after a showing that it would be impractical to post the card or plate on the control equipment. After considering all the foregoing suggestions, the Commission has determined that posting the card or plate on or near the control equipment would best aid the performance of the Commission's inspection duties and at the same time meet the difficulties suggested. The proposed requirement for posting thus modified has been incorporated in the rules herein ordered.

8. Included in the comments submitted on behalf of the State of California was a request that the Commission permit the reproduction of FCC Form 452–C by licensees generally. The rule amendments as proposed in the notice and as ordered herein permit the production and use of a plate of metal or other durable substance in lieu of FCC Form 452–C. Therefore, licensees are afforded adequate opportunity to provide themselves with transmitter identification plates, and the suggestion to permit reproduction generally of FCC Form 452–C is rejected.

9. For the reasons stated it is, therefore, found that adoption of the proposed amendments of the rules, as modified, would be in the public interest.

10. In view of the foregoing: *It is ordered,* That pursuant to sections 4(i) and 303 of the Communications Act of 1934, as amended, Parts 5, 7, 8, 9, 10, 11, 16, 19 and 21 of the Commission's rules be amended effective April 10, 1960, as set forth below; and

11. *It is further ordered,* That the proceedings in Docket No. 12573 are hereby terminated.

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

Adopted: March 16, 1960.

Released: March 18, 1960.

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

1. Section 5.157 is amended to read:

§ 5.157 Posting station licenses and transmitter identification cards or plates.

(a) The current authorization for each station at a fixed location shall be posted in a conspicuous place at the principal control point of the station, and a photocopy of such authorization shall be posted at all other control points listed on the authorization. In addition, an executed Transmitter Identification Card (FCC Form 452–C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each transmitter operated at a fixed location when such transmitter is not in view of, or is not readily accessible to, the operator at the principal control point.

(b) The current authorization for each mobile station shall be retained as a permanent part of the station records, but need not be posted. In addition, an executed Transmitter Identification Card (FCC Form 452–C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each mobile transmitter: *Provided,* That, if the transmitter is not in view of the operating position, or is not readily accessible for inspection, then such card or plate shall be affixed to the control equipment at the transmitter operating position or posted adjacent thereto.

2. The section heading and text of paragraphs (a), (c), and (d) of § 7.102 are amended to read:

§ 7.102 Posting station licenses and transmitter identification cards or plates.

(a) The current authorization for each station (other than a marine-utility station) at a permanent location, or at a single temporary location, shall be posted in a conspicuous place at the principal control point of the station, and a photocopy of such authorization shall be posted at all other control points listed on the authorization. In addition, an executed Transmitter Identification Card (FCC Form 452–C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each transmitter of such stations when it is not in view of, or is not readily accessible to, the operator at the principal control point.

* * * * *

(c) A current license authorizing a plurality of marine-utility stations, pursuant to § 7.68, shall be retained by the licensee at any location where it is readily accessible for inspection. In addition, an executed Transmitter Identification Card (FCC Form 452–C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each transmitter of such stations: *Provided,* That, if the transmitter is not in view of the operating position, or is not readily accessible for inspection, then such card or plate shall be affixed to the control equipment at the transmitter operating position or posted adjacent thereto.

(d) A current land station license authorizing one or more shipyard mobile stations, pursuant to § 7.22(e), shall be posted in a conspicuous place at the principal control point of the land station; and a photocopy of such license shall be posted at all other control points listed on the license. In addition, a photocopy of such license, an executed Transmitter Identification Card (FCC Form 452–C), or a plate of metal or other durable substance shall be available on each shipyard land mobile unit in which a shipyard mobile station is installed, as follows:

(1) A photocopy of the land station license shall be posted in a conspicuous place in the mobile unit or shall be retained in an envelope or other suitable container affixed to the transmitting apparatus, either inside or outside any cabinet or other structure of the mobile unit in which the transmitting apparatus is contained; or

(2) A Transmitter Identification Card (FCC Form 452–C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to the transmitter: *Provided,* That if the transmitter is not in view of the operating position, or is not readily accessible for inspection, then such card or plate shall be affixed to the control equipment at the transmitter operating position or posted adjacent thereto.

3. The section heading and paragraph (c) of § 8.102 are amended to read:

§ 8.102 Posting station licenses and transmitter identification cards or plates.

* * * * *

(c) A current license authorizing a plurality of stations, pursuant to § 8.66, shall be retained by the licensee at any location where it is readily accessible for inspection. In addition, an executed Transmitter Identification Card (FCC Form 452–C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection to each transmitter: *Provided,* That if the transmitter is not in view of the operating position or is not readily accessible for inspection, then such card or plate shall be affixed to the control equipment at the principal transmitter operating position or posted adjacent thereto.

4. The section heading and paragraph (c) of § 9.118 are amended to read:

§ 9.118 Posting station licenses and transmitter identification cards or plates.

* * * * *

(c) The current authorization for each land mobile station shall be retained as a permanent part of the station records, but need not be posted. In addition, an executed Transmitter Identification Card (FCC Form 452–C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each land mobile transmitter: *Provided,* That, if the transmitter is not in view of the operating position, or is not readily accessible for inspection, then such card or plate shall be affixed to the control equipment at the transmitter operating position or posted adjacent thereto.

5. Section 10.157 is amended to read:

§ 10.157 Posting station licenses and transmitter identification cards or plates.

(a) The current authorization for each mobile station and each base or fixed station authorized to be operated at temporary locations shall be retained as a permanent part of the station records, but need not be posted. In addition, an executed Transmitter Identification Card (FCC Form 452–C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed readily visible for inspection, to each of such transmitters: *Provided,* That, if the transmitter is not in view of the operating position or is not readily accessible for inspection, then such card or plate shall be affixed to the control equipment at the transmitter operating position or posted adjacent thereto.

(b) The current authorization for each base or fixed station at a fixed location shall be posted at the principal control point of the station, and a photocopy of such authorization shall be posted at all other control points listed on the authorization. In addition, an executed Transmitter Identification Card (FCC Form 452–C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each transmitter operated at a fixed location, when such transmitter is not in view of, or is not readily accessible to, the operator at the principal control point.

6. Section 11.156 is amended to read:

§ 11.156 Posting station licenses and transmitter identification cards or plates.

(a) The current authorization for each mobile station and each base or fixed station authorized to be operated at temporary locations shall be retained as a permanent part of the station records, but need not be posted. In addition, an executed Transmitter Identification Card (FCC Form 452–C) or a plate of metal or other durable substance, legibly indi-

cating the call sign and the licensee's name and address, shall be affixed readily visible for inspection, to each of such transmitters: *Provided,* That, if the transmitter is not in view of the operating position or is not readily accessible for inspection, then such card or plate shall be affixed to the control equipment at the transmitter operating position or posted adjacent thereto.

(b) The current authorization for each base or fixed station at a fixed location shall be posted at the principal control point of the station, and a photocopy of such authorization shall be posted at all other control points listed on the authorization. In addition, an executed Transmitter Identification Card (FCC Form 452–C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each transmitter operated at a fixed location, when such transmitter is not in view of, or is not readily accessible to, the operator at the principal control point.

7. Section 16.156 is amended to read:

§ 16.156 Posting station licenses and transmitter identification cards or plates.

(a) The current authorization for each mobile station and each base or fixed station authorized to be operated at temporary locations shall be retained as a permanent part of the station records, but need not be posted. In addition, an executed Transmitter Identification Card (FCC Form 452–C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each of such transmitters: *Provided,* That, if the transmitter is not in view of the operating position or is not readily accessible for inspection, then such card or plate shall be affixed to the control equipment at the transmitter operating position or posted adjacent thereto.

(b) The current authorization or as an alternative in the Railroad Service only, a full-size photocopy of such authorization, for each base or fixed station at a fixed location shall be posted at the principal control point of the station, and a photocopy of such authorization shall be posted at all other control points listed on the authorization. In addition, an executed Transmitter Identification Card (FCC Form 452–C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each transmitter operated at a fixed location, when such transmitter is not in view of, or is not readily accessible to, the operator at the principal control point.

8. Section 19.72 is amended to read:

§ 19.72 Posting station licenses and transmitter identification cards or plates.

(a) The current authorization for each station operated at a fixed location shall be posted at a conspicuous place at the principal fixed location from which such station is controlled, and a photocopy of such authorization shall be posted at all other fixed locations from which the station is controlled. In addition, an executed Transmitter Identification Card (FCC Form 452–C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each transmitter operated at a fixed location when such transmitter is not in view of, or is not readily accessible to, the operator of at least one of the locations at which the station authorization or a photocopy thereof is required to be posted.

(b) The current authorization for each station operated as a mobile station shall be retained as a permanent part of the station records, but need not be posted. In addition, an executed Transmitter Identification Card (FCC Form 452–C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be posted, readily visible for inspection, to each of such transmitters: *Provided,* That, if the transmitter is not in view of the location from which it is controlled, or is not readily accessible for inspection, then such card or plate shall be affixed to the control equipment at the transmitter operating position or posted adjacent thereto.

9. Section 21.202 is amended to read:

§ 21.202 Transmitter identification cards or plates.

A Transmitter Identification Card (FCC Form 452–C), or a plate of metal or other durable substance, legibly listing the station call sign and the permittee's or licensee's name and address, shall be affixed, readily visible for inspection, to each fixed station transmitter. Such transmitter identification cards or plates for mobile stations or for stations authorized to operate at temporary fixed locations, shall be affixed, readily visible for station inspection, to the transmitter if it is in view of the operating position, or to the control equipment at the transmitter operating position, or shall be posted, visible for inspection, adjacent thereto, if the transmitter is not in view of the operating position.

[F.R. Doc. 60–2606; Filed, Mar. 22, 1960; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[21 CFR Part 304]

BENZETHIDINE (ETHYL 1-(2-BENZYLOXYETHYL)-4-PHENYL-4-PIPERIDINE CARBOXYLATE) AND THREE OTHER DRUGS

Notice of Proposed Determination With Respect to Addiction-Forming or Addiction-Sustaining Liability

Notice is hereby given, pursuant to the provisions of the Act of March 8, 1946 (60 Stat. 38; 26 U.S.C. 4731), section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1103), and by virtue of the authority vested in me by the Secretary of the Treasury (12 F.R. 1480), that a determination is proposed to be made that each of the following named new drugs has an addiction-forming or addiction-sustaining liability similar to morphine and is an opiate:

1. Benzethidine (Ethyl 1-(2-benzyloxyethyl)-4-phenyl-4-piperidine carboxylate).

2. Furethidine (Ethyl 1-(2-tetrahydrofurfuryl-oxyethyl)-4-phenyl-4-piperidine carboxylate).

3. 2-(p-Chlorobenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole.

4. 2-(p-Ethoxybenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole.

Consideration will be given to any written data, views or arguments, pertaining to the addiction-forming or addiction-sustaining liability of the above-named drugs, which are received by the Commissioner of Narcotics prior to April 25, 1960. Any person desiring to be heard on the addiction-forming or addiction-sustaining liability of the above-named drugs will be accorded the opportunity at a hearing in the office of the Commissioner of Narcotics, 1300 E Street NW., Washington 25, D.C., at 10:00 o'clock a.m., April 25, 1960, provided that such person furnishes written notice of his desire to be heard, to the Commissioner of Narcotics, Washington 25, D.C., not later than 20 days from the publication of this notice in the FEDERAL REGISTER. If no written notice of a desire to be heard shall be received within 20 days from the date of publication of this notice in the FEDERAL REGISTER, no hearing shall be held, but the Commissioner of Narcotics shall proceed to make a recommendation to the Secretary of the Treasury for a finding under section 1 of the Act of March 8, 1946.

(60 Stat. 38; 26 U.S.C. 4731)

[SEAL] H. J. ANSLINGER,
Commissioner of Narcotics.

[F.R. Doc. 60-2579; Filed, Mar. 22, 1960; 8:46 a.m.]

Internal Revenue Service

[26 CFR (1954) Part 31]

EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury 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.

Regulations of special application to the employment taxes imposed by subtitle C (chapters 21 to 25, inclusive) of the Internal Revenue Code of 1954, as amended, are prescribed under selected provisions of subtitle F (Procedure and Administration) of such Code. In addition, existing provisions of Subpart G of the Employment Tax Regulations (26 CFR Part 31), relating to certain administrative provisions of the Code of special application to the employment taxes, are amended.

PARAGRAPH 1. The following regulations are prescribed under selected provisions of subtitle F of the Internal Revenue Code of 1954:

Sec.
31.6011(b) Statutory provisions; identification of taxpayer.
31.6011(b)-1 Employers' identification numbers.
31.6011(b)-2 Employees' account numbers.
31.6051 Statutory provisions; receipts for employees.
31.6051-1 Statements for employees.
31.6061 Statutory provisions; signing of returns and other documents.
31.6061-1 Signing of returns.
31.6065(a) Statutory provisions; verification of returns.
31.6065(a)-1 Verification of returns and other documents.
31.6091 Statutory provisions; place for filing returns.
31.6091-1 Place for filing returns.
31.6101 Statutory provisions; period covered by returns or other documents.
31.6101-1 Period covered by returns.
31.6161(a)(1) Statutory provisions; extension of time for paying tax.
31.6161(a)(1)-1 Extensions of time for paying tax.
31.6205 Statutory provisions; special rules applicable to certain employment taxes.
31.6205-1 Adjustments of underpayments.
31.6302(b) Statutory provisions; mode or time of collection; discretionary method.
31.6302(b)-1 Method of collection.
31.6402(a) Statutory provisions; authority to make credits or refunds.
31.6402(a)-1 Credits or refunds.
31.6402(a)-2 Credit or refund of tax under Federal Insurance Contributions Act or Railroad Retirement Tax Act.
31.6402(a)-3 Refund of Federal unemployment tax.
31.6404(a) Statutory provisions; abatements.
31.6404(a)-1 Abatements.
31.6413(a) Statutory provisions; special rules applicable to certain employment taxes; adjustment of tax.
31.6413(a)-1 Repayment by employer of tax erroneously collected from employee.
31.6413(a)-2 Adjustment of overpayments.
31.6413(b) Statutory provisions; special rules applicable to certain employment taxes; overpayments of certain employment taxes.
31.6413(b)-1 Overpayments of certain employment taxes.
31.6413(c) Statutory provisions; special rules applicable to certain employment taxes; special refunds.
31.6413(c)-1 Special refunds.
31.6413(d) Statutory provisions; special rules applicable to certain employment taxes; refund or credit of Federal unemployment tax.
31.6414 Statutory provisions; income tax withheld.
31.6414-1 Credit or refund of income tax withheld from wages.
31.6674 Statutory provisions; fraudulent statement or failure to furnish statement to employee.
31.6674-1 Penalties for fraudulent receipt or failure to furnish receipt.
31.7805 Statutory provisions; rules and regulations.
31.7805-1 Promulgation of regulations.

§ 31.6011(b) Statutory provisions; identification of taxpayer.

SEC. 6011. *General requirement of return, statement, or list.* * * *

(b) *Identification of taxpayer.* The Secretary or his delegate is authorized to require such information with respect to persons subject to the taxes imposed by chapter 21 or chapter 24 as is necessary or helpful in securing proper identification of such persons.

§ 31.6011(b)-1 Employers' identification numbers.

(a) *Requirement of application*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, every employer who on or after January 1,

1955, has in his employ one or more individuals in employment for wages subject to the taxes imposed by the Federal Insurance Contributions Act, but who prior to such date has neither secured an identification number nor made application therefor, shall make an application on Form SS–4 for an identification number. Each application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Copies of Form SS–4 may be obtained from any district director, or any district office of the Social Security Administration. The application shall be filed with the district director with whom the employer will file returns of the taxes imposed by the Federal Insurance Contributions Act, or with the nearest district office of the Social Security Administration. Each application shall be signed by (i) the individual, if the employer is an individual; (ii) the president, vice president, or other principal officer, if the employer is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the employer is a partnership or other unincorporated organization; or (iv) the fiduciary, if the employer is a trust or estate. An identification number will be assigned to the employer in due course upon the basis of information reported on the application required under this section.

(2) *Exception.* An employer, other than an employer who is required to file returns of the taxes imposed by the Federal Insurance Contributions Act with the office of the United States Internal Revenue Service in Puerto Rico, who has in his employ only employees who are engaged exclusively in the performance of domestic service in his private home not on a farm operated for profit (see § 31.3121(a)(7)–1) is not required to apply for an identification number.

(3) *Time for filing Form SS–4.* The application for an identification number shall be filed on or before the seventh day after the date on which the first payment of wages, as defined in the Federal Insurance Contributions Act, is made by the employer. For provisions relating to the time when wages are paid, see § 31.3121(a)–2 of Subpart B of the regulations in this part.

(b) *Employers who are assigned identification numbers without application.* An identification number will be assigned by a district director in the case of (1) an employer who is required to make returns of the taxes imposed by the Federal Insurance Contributions Act but who by reason of the provisions of paragraph (a)(2) of this section is not required to apply for an identification number, and (2) an employer who is required to make returns of income tax withheld from wages pursuant to section 3402 but who is not required to make returns of the taxes imposed by the Federal Insurance Contributions Act.

(c) *Crew leaders.* Any person who, as a crew leader within the meaning of section 3121(o), furnishes individuals to perform agricultural labor for another person shall, on or before the first date on which he furnishes such individuals to perform such labor for such other person, advise such other person of his name; permanent mailing address, or if none, present address; and identification number, if any.

(d) *Use of identification number.* The identification number assigned to an employer (other than a household employer referred to in paragraph (a)(2) of this section) shall be shown in the employer's records, returns, statements for employees, depositary receipts, and claims to the extent required by the applicable forms, regulations, and instructions.

§ 31.6011(b)–2 Employees' account numbers.

(a) *Requirement of application*—(1) *In general.* Every employee who on or after January 1, 1955, is in employment for wages, subject to the taxes imposed by the Federal Insurance Contributions Act, but who prior to such date has neither secured an account number nor made application therefor, shall make an application on Form SS–5 for an account number. Each application shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Such employee shall file the application with any district office of the Social Security Administration or, if the employee is not working within the United States, with the district office of the Social Security Administration at Baltimore, Maryland. Copies of Form SS–5 may be obtained from any district office of the Social Security Administration or from any district director. An account number will be assigned to the employee by the Social Security Administration in due course upon the basis of information reported on the application required under this section. A card showing the name and account number of an employee to whom an account number has been assigned will be furnished to the employee by the Social Security Administration.

(2) *Time for filing Form SS–5.* The application shall be filed on or before the seventh day after the date on which the employee first performs employment for wages, unless the employee leaves the employ of his employer before such seventh day, in which case the application shall be filed on or before the date on which the employee leaves the employ of his employer.

(3) *Changes and corrections.* Any employee may have his account number changed at any time by applying to a district office of the Social Security Administration and showing good reasons for a change. With that exception, only one account number will be assigned to an employee. Any employee whose name is changed by marriage or otherwise, or who has stated incorrect information on Form SS–5, should report such change or correction to a district office of the Social Security Administration. Copies of the form for making such reports may be obtained from any district office of the Administration.

(b) *Duties of employee with respect to his account number*—(1) *Information to be furnished to employer.* An employee shall, on the day on which he enters the employ of any employer for wages, comply with the provisions of subdivision (i), (ii), (iii), or (iv) of this subparagraph, except that, if the employee's services for the employer consist solely of agricultural labor, domestic service in a private home of the employer not on a farm operated for profit, or service not in the course of the employer's trade or business, the employee shall comply with such provisions on the first day on which wages are paid to him by such employer, within the meaning of § 31.3121(a)–2 of Subpart B of the regulations in this part:

(i) *Employee who has account number card.* If the employee has been issued an account number card by the Social Security Administration and has the card available, the employee shall show it to the employer.

(ii) *Employee who has number but card not available.* If the employee does not have available the account number card issued to him by the Social Security Administration but knows what his account number is, and what his name is, exactly as shown on such card, the employee shall advise the employer of such number and name. Care must be exercised that the employer is correctly advised of such number and name.

(iii) *Employee who has receipt acknowledging application.* If the employee does not have an account number card but has available a receipt issued to him by an office of the Social Security Administration acknowledging that an application for an account number has been received, the employee shall show such receipt to the employer.

(iv) *Employee who is unable to furnish number or receipt.* If an employee is unable to comply with the requirement of subdivision (i), (ii), or (iii) of this subparagraph, the employee shall furnish to the employer a statement in writing, signed by the employee, setting forth the date of the statement, the employee's full name, present address, date and place of birth, father's full name, mother's full name before marriage, and the employee's sex, including a statement as to whether the employee has previously filed an application on Form SS–5 and, if so, the date and place of such filing. The information required by this subdivision shall be furnished on Form SS–5, if a copy of Form SS–5 is available. The furnishing of such a Form SS–5 or other statement by the employee to the employer does not relieve the employee of his obligation to make an application on Form SS–5 and file it with a district office of the Social Security Administration as required by paragraph (a) of this section. The foregoing provisions of this subdivision are not applicable to an employee engaged exclusively in the performance of domestic service in a private home of his employer not on a farm operated for profit, or in the performance of agricultural labor, if the services are performed for an employer other than an employer required to file returns of the taxes imposed by the Federal Insurance Contributions Act with the office of the United States Internal Revenue Service in Puerto Rico.

However, such employee shall advise the employer of his full name and present address.

For provisions relating to the duties of an employer when furnished the information required by subdivision (i), (ii), (iii), or (iv) of this subparagraph, see paragraph (c) of this section.

(2) *Additional information to be furnished by employee to employer.* Every employee who, on the day on which he is required to comply with subdivision (i), (ii), (iii), or (iv) of subparagraph (1) of this paragraph, has an account number card but for any reason does not show such card to the employer on such day shall promptly thereafter show the card to the employer. An employee who does not have an account number card on such day shall, upon receipt of an account number card from the Social Security Administration, promptly show such card to the employer, if he is still in the employ of that employer. If the employee has left the employ of the employer when the employee receives an account number card from the Social Security Administration, he shall promptly advise the employer of his account number and name exactly as shown on such card. The account number originally assigned to an employee (or the number as changed in accordance with paragraph (a)(3) of this section) shall be used by the employee as required by this paragraph even though he enters the employ of other employers.

(c) *Duties of employer with respect to employees' account numbers*—(1) *Employee who shows account number.* Upon being shown the account number card issued to an employee by the Social Security Administration, the employer shall enter the account number and name, exactly as shown on the card, in the employer's records, return, statements for employees, and claims to the extent required by the applicable forms, regulations, and instructions.

(2) *Employee who does not show account number card.* With respect to an employee who, on the day on which he is required to comply with subdivision (i), (ii), (iii), or (iv) of paragraph (b)(1) of this section, does not show the employer an account number card issued to the employee by the Social Security Administration, the employer shall request such employee to show him such card. If the card is not shown, the employer shall comply with the applicable provisions of subdivision (i), (ii), (iii), (iv), or (v) of this subparagraph:

(i) *Employee who has not applied for account number.* If the employee has not been assigned an account number and has not made application therefor with a district office of the Social Security Administration, the employer shall inform the employee of his duties under this section.

(ii) *Employee who has account number.* If the employee advises the employer of his number and name as shown on his account number card, as provided in paragraph (b)(1)(ii) of this section, the employer shall enter such number and name in his records.

(iii) *Employee who has receipt for application.* If the employee shows the employer, as provided in paragraph (b)(1)(iii) of this section, a receipt issued to him by an office of the Social Security Administration acknowledging that an application for an account number has been received from the employee, the employer shall enter in his records with respect to such employee the name and address of the employee exactly as shown on the receipt, the expiration date of the receipt, and the address of the issuing office. The receipt shall be retained by the employee.

(iv) *Employee who furnishes Form SS–5 or statement.* If the employee furnishes information to the employer as provided in paragraph (b)(1)(iv) of this section, the employer shall retain such information for use as provided in subparagraph (3)(ii) of this paragraph.

(v) *Household or agricultural employees.* If the employee advises the employer of his full name and present address in accordance with those provisions of paragraph (b)(1)(iv) of this section which are applicable in the case of employees engaged exclusively in the performance of domestic service in a private home of the employer not on a farm operated for profit, or agricultural labor, the employer shall enter such name and address in his records.

(3) *Account number unknown when return is filed.* In any case in which the employee's account number is for any reason unknown to the employer at the time the employer's return is filed for any return period with respect to which the employer is required to report the wages paid to such employee—

(i) *If employee has shown receipt for application.* If the employee has shown to the employer, as provided in paragraph (b)(1)(iii) of this section, a receipt issued to him by an office of the Social Security Administration acknowledging that an application for an account number has been received from the employee, the employer shall enter on the return, with the entry with respect to the employee, the name and address of the employee exactly as shown on the receipt, the expiration date of the receipt, and the address of the issuing office.

(ii) *If employee furnished Form SS–5 or statement.* If the employee has furnished information to the employer as provided in paragraph (b)(1)(iv) of this section, the employer shall prepare a copy of the Form SS–5 or statement furnished by the employee and attach the copy to the return.

(iii) *If employee did not furnish receipt, Form SS–5, or statement.* If neither subdivision (i) or (ii) of this subparagraph is applicable, the employer shall, except as provided in subparagraph (4) of this paragraph, attach to the return a Form SS–5 or statement, signed by the employer, setting forth as fully and clearly as practicable the employee's full name, his present or last known address, date and place of birth, father's full name, mother's full name before marriage, the employee's sex, and a statement as to whether an application for an account number has previously been filed by the employee and, if so, the date and place of such filing. The employer shall also insert in such Form SS–5 or statement an explanation of why he has not secured from the employee the information referred to in paragraph (b)(1)(iv) of this section, and shall insert the word "Employer" as part of his signature.

(4) *Household or agricultural employees.* The provisions of subparagraph (3)(iii) of this paragraph are not applicable with respect to an employee engaged exclusively in the performance of domestic service in a private home of his employer not on a farm operated for profit, or in the performance of agricultural labor, if the services are performed for an employer other than an employer required to file returns of the taxes imposed by the Federal Insurance Contributions Act with the office of the United States Internal Revenue Service in Puerto Rico. If any such employee has not furnished to the employer the information required by paragraph (b)(1)(i), (ii), or (iii) of this section prior to the time the employer's return is filed for any return period with respect to which the employer is required to report wages paid to such employee, the employer shall enter the word "Unknown" in the account number column of the return and (i) file with the return a statement showing the employee's full name and present or last known address, or (ii) enter such address on the return form immediately below the name of the employee.

(5) *Where to obtain Form SS–5.* Employers may obtain copies of Form SS–5 from any district office of the Social Security Administration or from any district director.

(6) *Prospective employees.* While not mandatory, it is suggested that the employer advise any prospective employee who does not have an account number of the requirements of paragraphs (a) and (b) of this section.

§ 31.6051–1 Statements for employees.

(a) *Requirement if wages are subject to withholding of income tax*—(1) *General rule.* (i) Every employer, as defined in section 3401(d), required to deduct and withhold from an employee a tax under section 3402, or who would have been required to deduct and withhold a tax under section 3402 if the employee had claimed no more than one withholding exemption, shall furnish to each such employee, in respect of the remuneration paid by such employer to such employee during the calendar year, the tax return copy and the employee's copy of a statement on Form W–2. For example, if the wage bracket method of withholding provided in section 3402(c)(1) is used, a statement on Form W–2 must be furnished to each employee whose wages during any payroll period are equal to or in excess of the smallest wage from which tax must be withheld in the case of an employee claiming one exemption. If the percentage method is used, a statement on Form W–2 must be furnished to each employee whose wages during any payroll period are in excess of one withholding exemption for such payroll period as shown in the percentage method withholding table contained in section 3402(b)(1). Each

statement on Form W–2 shall show the following:

(*a*) The name, address, and identification number of the employer,

(*b*) The name and address of the employee, and, if wages as defined in section 3121(a) have been paid, his social security account number,

(*c*) The total amount of wages as defined in section 3401(a),

(*d*) The total amount deducted and withheld as tax under section 3402,

(*e*) The total amount of wages as defined in section 3121(a), and

(*f*) The total amount of employee tax under section 3101 deducted and withheld (increased by any adjustment in the calendar year for overcollection, or decreased by any adjustment in such year for undercollection, of such tax during any prior year).

See paragraph (d) of this section for provisions relating to the time for furnishing the statement required by this subparagraph.

(ii) Payments made in 1955 under a wage continuation plan shall be reported on Form W–2 to the extent, and in the manner, provided in paragraph (b)(8)(i) of § 31.3401(a)–1 of Subpart E of the regulations in this part.

(iii) For regulations under this subdivision (26 CFR 31.6051–1(a)(1)(iii)), see Treasury Decision 6155, approved December 27, 1955 (20 F.R. 10097).

(iv) Form W–2 is not required in respect of any wage continuation payment made to an employee by or on behalf of a person who is not the employer for whom the employee performs services but who is regarded as an employer under section 3401(d)(1). See paragraph (b)(8) of § 31.3401(a)–1 of Subpart E of the regulations in this part.

(v) In the case of remuneration paid for service described in section 3121(m), relating to service in the uniformed services, performed after 1956, "wages as defined in section 3121(a)", as used in section 6051(a)(2) and (5), shall be determined in accordance with section 3121(i)(2) and section 3122.

(2) *Statements for members of the Armed Forces of the United States.* Section 6051(b) contains certain special provisions which are applicable in the case of members of the Armed Forces of the United States in active service. In such case, Form W–2 shall be furnished to each such member of the Armed Forces if any tax has been withheld under section 3402 during the calendar year from the remuneration of such member or if any of the remuneration paid during the calendar year for such active service is includible under chapter 1 in the gross income of such member. Form W–2, in the case of such member, shall show, as "the total amount of wages as defined in section 3401(a)", as used in section 6051(a)(3), the amount of the remuneration paid during the calendar year which is not excluded under chapter 1 of the Internal Revenue Code of 1954 from the gross income of such member, whether or not such remuneration constitutes wages as defined in section 3401(a) and whether or not paid for such active service.

(3) *Undelivered Forms W–2.* The tax return copy and the employee's copy of each withholding statement on Form W–2 for the calendar year which the employer is required to furnish to the employee and which after reasonable effort he is unable to deliver to the employee shall be transmitted to the district director with the return on Form 941 filed by the employer for the return period ending June 30 in the next succeeding calendar year or with the employer's final return if filed for a period ending on an earlier date. Thus, the undelivered copies of Forms W–2 ordinarily will be transmitted to the district director on or before July 31 or August 10 of the year following that for which they were issued, depending upon when the return for such return period is required to be filed. In the case of an employer having branch offices, the undelivered copies of Forms W–2 held in such branch offices may be transmitted by the employer with such return or, at the option of the employer, may be transmitted by the branch office directly to the district director for the internal revenue district in which the branch office is located. Such direct transmittal by branch offices shall be made at the time prescribed for the filing of the employer's return for the return period ending June 30 in the calendar year following that for which the Forms W–2 were issued or at the time of the filing of the employer's final return if filed for a period ending on an earlier date. The provisions of this subparagraph are also applicable with respect to any undelivered corrected statements issued for a prior calendar year.

(b) *Requirement if wages are not subject to withholding of income tax*—(1) *General rule.* If during the calendar year an employer pays to an employee wages subject to the employee tax imposed by section 3101, and the employer is not required by paragraph (a) of this section to furnish to such employee a statement on Form W–2 for such calendar year, the employer shall, in accordance with the provisions of this paragraph, furnish a written statement to the employee with respect to such wages. Such statement shall be in a form suitable for retention by the employee and shall show, with respect to the wages paid by the employer to the employee during the calendar year for employment after 1936, the following:

(i) The name and address of the employer,

(ii) The name, address, and social security account number of the employee,

(iii) The total amount of wages as defined in section 3121(a), and

(iv) The total amount of employee tax deducted and withheld from such wages (increased by any adjustment in such year for overcollection, or decreased by any adjustment in such year for undercollection, of employee tax during any prior year).

See paragraph (d) of this section for provisions relating to the time for furnishing the statement required by this paragraph.

(2) *Uniformed services.* In the case of remuneration paid for service described in section 3121(m), relating to service in the uniformed services, performed after 1956, "wages as defined in section 3121(a)", as used in section 6051(a)(5), shall be determined in accordance with section 3121(i)(2) and section 3122.

(3) *Form of statement.* No particular form is prescribed for the statement required by this paragraph. For the convenience of employers in complying with the requirements of this paragraph, copies of a form of statement, Form SS–14, will be furnished by district directors upon request.

(c) *Correction of statements*—(1) *Federal Insurance Contributions Act.* If (i) the amount of employee tax under section 3101 deducted and withheld in the calendar year from the wages, as defined in section 3121(a), paid during such year was less or greater than the tax imposed by section 3101 on such wages by reason of the adjustment in such year of an overcollection or undercollection of the tax in any prior year, or (ii) regardless of the reason for the error or the method of its correction, the amount of wages as defined in section 3121(a), or tax under section 3101, entered on a statement furnished pursuant to this section to an employee for a prior year was incorrect, a corrected statement for such prior year reflecting the adjustment or the correct data shall be furnished to the employee. Such statement shall be marked "Corrected by Employer".

(2) *Income tax withholding.* A corrected statement on Form W–2 shall be furnished to the employee with respect to a prior calendar year (i) to show the correct amount of wages, as defined in section 3401(a), paid during the prior calendar year if the amount of such wages entered on a statement furnished to the employee for such prior year is incorrect, or (ii) to show the amount actually deducted and withheld as tax under section 3402 if such amount is less or greater than the amount entered as tax withheld on the statement furnished the employee for such prior year. Such statement shall be marked "Corrected by Employer".

(3) *Cross reference.* For provisions relating to the disposition of the district director's copy of a corrected Form W–2, see paragraph (b)(4) of § 31.6011(a)–4.

(d) *Time for furnishing statements*—(1) *In general.* Each statement required by this section for a calendar year and each corrected statement required for any prior year shall be furnished to the employee on or before January 31 of the year succeeding such calendar year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of wages is made. For provisions relating to the filing of the district director's copies of Form W–2, see paragraph (b) of § 31.6011(a)–4.

(2) *Extensions of time.* (i) For good cause shown upon written application by an employer, the district director may grant an extension of time not exceeding 30 days in which to furnish to employees the statements required by this section. Each application for an extension of time under this subdivision shall be made

in writing, properly signed by the employer or his duly authorized agent; shall be addressed to the district director with whom the employer files his returns; and shall contain a full recital of the reasons for requesting the extension, to aid the district director in determining the period of the extension, if any, which will be granted. Such a request in the form of a letter to the district director will suffice as an application. The application shall be filed on or before the date prescribed in subparagraph (1) of this paragraph for furnishing the statements required by this section. In any case in which an employer is unable, by reason of illness, absence, or other good cause, to sign a request for an extension, any person standing in close personal or business relationship to the employer may sign the request on his behalf, and shall be considered as a duly authorized agent for this purpose, provided the request sets forth a reason for a signature other than the employer's and the relationship existing between the employer and the signer. For provisions relating to extensions of time for filing the district director's copies of Form W–2, see paragraph (a)(3) of § 31.6081(a)–1.

(ii) An extension of time, not exceeding 30 days, within which to furnish any statement required by this section upon termination of employment is hereby granted to any employer with respect to any employee whose employment is terminated during the calendar year. In the case of intermittent or interrupted employment where there is reasonable expectation on the part of both employer and employee of further employment, there is no requirement that a written statement be immediately furnished the employee; but when such expectation ceases to exist, the statement must be furnished within 30 days from that time.

(3) *Cross references.* For provisions relating to the penalties provided for the willful furnishing of a false or fraudulent statement, or for the willful failure to furnish a statement, see § 31.6674–1 and section 7204.

§ 31.6061 Statutory provisions; signing of returns and other documents.

SEC. 6061. *Signing of returns and other documents.* * * * any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be signed in accordance with forms or regulations prescribed by the Secretary or his delegate.

§ 31.6061–1 Signing of returns.

Each return required under the regulations in this subpart shall, if signature is called for by the form or instructions relating to the return, be signed by (a) the individual, if the person required to make the return is an individual; (b) the president, vice president, or other principal officer, if the person required to make the return is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person required to make the return is a partnership or other unincorporated organization; or (d) the fiduciary, if the person required to make the return is a trust or estate. The return may be signed for the taxpayer by an agent who is duly authorized in accordance with § 31.6011(a)–7 to make such return.

§ 31.6065(a) Statutory provisions; verification of returns.

SEC. 6065. *Verification of returns*—(a) *Penalties of perjury.* Except as otherwise provided by the Secretary or his delegate, any return, declaration, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall contain or be verified by a written declaration that it is made under the penalties of perjury.

§ 31.6065(a)–1 Verification of returns or other documents.

If a return, statement, or other document made under the regulations in this part is required by the regulations contained in this part, or the form and instructions issued with respect to such return, statement, or other document, to contain or be verified by a written declaration that it is made under the penalties of perjury, such return, statement, or other document shall be so verified by the person signing it.

§ 31.6091 Statutory provisions; place for filing returns.

SEC. 6091. *Place for filing returns or other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the place for the filing of any return, declaration, statement, or other document, or copies thereof, required by this title or by regulations.

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

(1) *Individuals.* Returns (other than corporation returns) shall be made to the Secretary or his delegate in the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or, if he has no legal residence or principal place of business in any internal revenue district, then at such place as the Secretary or his delegate may by regulations prescribe.

(2) *Corporations.* Returns of corporations shall be made to the Secretary or his delegate in the internal revenue district in which is located the principal place of business or principal office or agency of the corporation, or, if it has no principal place of business or principal office or agency in any internal revenue district, then at such place as the Secretary or his delegate may by regulations prescribe.

* * * * *

(4) *Exceptional cases.* Notwithstanding paragraph (1), (2) * * * of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district, and may require the return of any officer or employee of the Treasury Department to be filed in any internal revenue district selected by the Secretary or his delegate.

§ 31.6091–1 Place for filing returns.

(a) *Persons other than corporations.* The return of a person other than a corporation shall be filed with the district director for the internal revenue district in which is located the principal place of business or legal residence of such person. If such person has no principal place of business or legal residence in any internal revenue district, the return shall be filed with the District Director at Baltimore, Maryland, except as provided in paragraph (c) of this section.

(b) *Corporations.* The return of a corporation shall be filed with the district director for the district in which is located the principal place of business or principal office or agency of the corporation, except as provided in paragraph (c) of this section.

(c) *Return of taxpayers outside the United States.* The return of a person (other than a corporation) outside the United States having no legal residence or principal place of business in any internal revenue district, or the return of a corporation having no principal place of business or principal office or agency in any internal revenue district, shall be filed with the Director, International Operations Division, Internal Revenue Service, Washington 25, D.C., unless the principal place of business or legal residence of such person, or the principal place of business or principal office or agency of such corporation, is located in the Virgin Islands or Puerto Rico, in which case the return shall be filed with the Office of the Director, International Operations Division, United States Internal Revenue Service, Santurce, Puerto Rico.

(d) *Exceptional cases*—(1) *Permission to file in district other than required district.* The Commissioner may permit the filing of any return required to be made under the regulations in this subpart in any internal revenue district, notwithstanding the provisions of paragraphs (1) and (2) of section 6091(b) and paragraphs (a), (b), and (c) of this section.

(2) *Returns of officers and employees of the Internal Revenue Service.* The Commissioner may require any officer or employee of the Internal Revenue Service to file any return required of him under the regulations in this subpart in any internal revenue district selected by the Commissioner, notwithstanding the provisions of paragraphs (1) and (2) of section 6091(b) and paragraphs (a), (b), and (c) of this section.

§ 31.6101 Statutory provisions; period covered by returns or other documents.

SEC. 6101. *Period covered by returns or other documents.* When not otherwise provided for by this title, the Secretary or his delegate may by regulations prescribe the period for which, or the date as of which, any return, statement, or other document required by this title or by regulations, shall be made.

§ 31.6101–1 Period covered by returns.

The period covered by any return required under the regulations in this subpart shall be as provided in those provisions of the regulations under which the return is required to be made. See § 31.6011(a)–1, relating to returns of taxes under the Federal Insurance Contributions Act; § 31.6011(a)–2, relating to returns of taxes under the Railroad Retirement Tax Act; § 31.6011(a)–3, relating to returns of tax under the Federal Unemployment Tax Act; § 31.6011(a)–4, relating to returns of income tax withheld under section 3402; and § 31.6011(a)–5, relating to monthly returns of taxes under the Federal Insurance Contributions Act and of income tax withheld under section 3402.

§ 31.6161(a)(1) Statutory provisions; extension of time for paying tax.

SEC. 6161. *Extension of time for paying tax*—(a) *Amount determined by taxpayer on return*—(1) *General rule.* The Secretary or his delegate, except as otherwise provided in this title, may extend the time for payment of the amount of the tax shown, or required to be shown, on any return or declaration required under authority of this title (or any installment thereof), for a reasonable period not to exceed 6 months from the date fixed for payment thereof. Such extension may exceed 6 months in the case of a taxpayer who is abroad.

§ 31.6161(a)(1)–1 Extensions of time for paying tax.

No extension of time will be granted for payment of any of the taxes to which the regulations in this part have application.

§ 31.6205 Statutory provisions; special rules applicable to certain employment taxes.

SEC. 6205. *Special rules applicable to certain employment taxes*—(a) *Adjustment of tax*—(1) *General rule.* If less than the correct amount of tax imposed by section 3101, 3111, 3201, 3221, or 3402 is paid with respect to any payment of wages or compensation, proper adjustments, with respect to both the tax and the amount to be deducted, shall be made, without interest, in such manner and at such times as the Secretary or his delegate may by regulations prescribe.

(2) *United States as employer.* For purposes of this subsection, in the case of remuneration received from the United States or a wholly-owned instrumentality thereof during any calendar year, each head of a Federal agency or instrumentality who makes a return pursuant to section 3122 and each agent, designated by the head of a Federal agency or instrumentality, who makes a return pursuant to such section shall be deemed a separate employer.

(b) *Underpayments.* If less than the correct amount of tax imposed by section 3101, 3111, 3201, 3221, or 3402 is paid or deducted with respect to any payment of wages or compensation and the underpayment cannot be adjusted under subsection (a) of this section, the amount of the underpayment shall be assessed and collected in such manner and at such times (subject to the statute of limitations properly applicable thereto) as the Secretary or his delegate may by regulations prescribe.

§ 31.6205–1 Adjustments of underpayments.

(a) *In general.* (1) An employer who makes, or has made, an undercollection or underpayment of—

(i) Employee tax under section 3101, employer tax under section 3111, or the employee or employer tax under corresponding provisions of prior law,

(ii) Employee tax under section 3201, employer tax under section 3221, or the employee or employer tax under corresponding provisions of prior law, or

(iii) Income tax required under section 3402 to be withheld,

with respect to any payment of wages or compensation, shall correct such error as provided in this section. Such correction shall constitute an adjustment without interest to the extent provided in paragraph (b) or (c) of this section.

(2) Every correction under this section of an underpayment of tax with respect to a payment of wages or compensation shall be made on the return form which is prescribed for use, at the time the correction is made, in reporting tax which corresponds to the tax underpaid.

(3) Every return or supplemental return on which an underpayment is corrected pursuant to this section must have securely attached as a part thereof a statement explaining the correction, designating the return period in which the error was ascertained and the return period to which the error relates, and setting forth such other information as may be required by the regulations in this subpart and by the instructions relating to the return.

(4) For purposes of this section, an error is ascertained when the employer has sufficient knowledge of the error to be able to correct it.

(5) If a correction is made under this section with respect to the erroneous reporting on a return, or omission from a return, under the Federal Insurance Contributions Act, as in effect prior to or on and after January 1, 1955, of an amount of wages required to be shown on the return as a separate item in respect of a particular employee, the statement referred to in subparagraph (3) of this paragraph shall include the following information:

(i) The name and account number of each employee whose wages were erroneously reported or omitted from such return,

(ii) The period for which such wages were required to be reported on such return,

(iii) The amount, if any, of wages actually reported on such return for each such employee, and

(iv) The amount of wages which should have been reported on such return for each such employee.

No particular form is prescribed for furnishing the information required by this subparagraph, but if printed forms are desired, the district director will supply Form 941c or Form 941c PR, whichever is appropriate, upon request.

(6) No underpayment shall be reported pursuant to this section after receipt from the district director of notice and demand for payment thereof based upon an assessment, but the amount shall be paid in accordance with such notice and demand.

(7) For provisions relating to correction of erroneous statements furnished to employees in respect of wages subject to withholding of income tax under section 3402, and of wages under the Federal Insurance Contributions Act, see paragraph (c) of § 31.6051–1.

(b) *Federal Insurance Contributions Act and Railroad Retirement Tax Act*—(1) *Undercollection ascertained before return is filed.* If no employee tax or less than the correct amount of employee tax is deducted from any payment to an employee of wages, as defined in the Federal Insurance Contributions Act, or compensation as defined in the Railroad Retirement Tax Act, and the error is ascertained before the filing of the return on which the employee tax with respect to such wages or compensation is required to be reported, the employer shall nevertheless report on such return and pay to the district director the correct amount of such employee tax. However, the reporting and payment by the employer of the correct amount of such tax in accordance with this subparagraph do not constitute an adjustment.

(2) *Underpayment ascertained after return is filed.* (i) If a return is filed, and if no employee tax, no employer tax, or less than the correct amount of either such tax with respect to any payment to an employee of wages as defined in the Federal Insurance Contributions Act or corresponding provisions of prior law, or compensation as defined in the Railroad Retirement Tax Act or corresponding provisions of prior law, is reported on such return and paid to the district director, the employer shall adjust the underpayment (*a*) by reporting the additional amount due by reason of the underpayment as an adjustment on a return filed on or before the last day on which the return is required to be filed for the return period in which the error is ascertained, or (*b*) by reporting such additional amount on a supplemental return for the return period in which such payment of wages or compensation is made. The reporting of such underpayment on a supplemental return constitutes an adjustment within the meaning of this section only when the supplemental return is filed on or before the last day on which the return is required to be filed for the return period in which the error is ascertained. The amount of each underpayment adjusted in accordance with this subdivision shall be paid to the district director, without interest, at the time fixed for reporting the adjustment. If an adjustment is reported pursuant to this subdivision, but the amount thereof is not paid when due, interest thereafter accrues (see section 6601).

(ii) If a return is filed, and if no employee tax, no employer tax, or less than the correct amount of either such tax with respect to a payment to an employee of wages or compensation is reported on such return and paid to the district director, and such underpayment is not reported as an adjustment within the time prescribed by subdivision (i) of this subparagraph, the amount of such underpayment shall be (*a*) reported on the employer's next return, or (*b*) reported immediately on a supplemental return. For interest accruing on amounts so reported, see section 6601 and corresponding provisions of prior law.

(3) *Deductions from employees.* If an employer collects no employee tax or less than the correct amount of employee tax from an employee with respect to a payment of wages as defined in the Federal Insurance Contributions Act or corresponding provisions of prior law, or compensation as defined in the Railroad Retirement Tax Act or corresponding provisions of prior law, the employer shall collect the amount of the undercollection by deducting such amount from remuneration of the employee, if any, under his control after he ascertains the error. Such deductions may be made even though the remuneration, for any reason, does not constitute wages

or compensation. The amount of an undercollection of employee tax from an employee shall be reported and paid, as provided in subparagraph (1) or (2) of this paragraph, whether or not the undercollection is corrected by a deduction made as prescribed in the foregoing provisions of this subparagraph. If such a deduction is not made, the obligation of the employee to the employer with respect to the undercollection is a matter for settlement between the employee and the employer. If any employer makes an erroneous collection of employee tax from two or more of his employees, a separate settlement must be made with respect to each employee. Thus, an overcollection of employee tax from one employee may not be used to offset an undercollection of such tax from another employee.

(c) *Income tax required to be withheld from wages*—(1) *Undercollection ascertained before return is filed.* If no income tax, or less than the correct amount of income tax, required under section 3402 to be withheld from wages is deducted from wages paid to an employee in any return period, and if the error is ascertained before the return is filed for the period in which such wages are paid, the employer shall nevertheless report on such return the correct amount of the tax required to be withheld. However, the reporting and payment by an employer of tax in accordance with this subparagraph do not constitute an adjustment.

(2) *Underpayment ascertained after return is filed.* (i) If a return is filed for a return period, and if no income tax, or less than the correct amount of income tax, required under section 3402 to be withheld from wages paid to an employee in such period, is reported on a return and paid to the district director, the employer shall (*a*) report the additional amount due by reason of the underpayment on a return for any return period in the calendar year in which the wages were paid, or (*b*) report such additional amount on a supplemental return for the return period in which such wages were paid. Such reporting constitutes an adjustment within the meaning of this section only if the return or supplemental return on which the underpayment is reported is filed on or before the last day on which the return is required to be filed for the return period in which the error was ascertained.

(ii) If a return is filed for a return period, and if no income tax, or less than the correct amount of income tax, required under section 3402 to be withheld from wages paid to an employee in such period is reported on such return and paid to the district director, and such underpayment is not reported as an adjustment within the time prescribed by subdivision (i) of this subparagraph, the amount of such underpayment shall be (*a*) reported on the employer's next return, if such next return is for any return period in the calendar year in which the wages were paid, or (*b*) reported immediately on a supplemental return.

(3) *Payment of amounts reported as undercollections or underpayments.* (i) For provisions relating to the employer's liability for an underpayment of tax unless he can show that the income tax against which the tax under section 3402 may be credited has been paid, see § 31.3402(d)–1 of Subpart E of the regulations in this part.

(ii) Except as provided in § 31.3402 (d)–1 of Subpart E of the regulations in this part, any amount reported as an adjustment within the meaning of this paragraph shall be paid to the district director, without interest, at the time fixed for reporting the adjustment.

(iii) For interest accruing on amounts which are not paid when due, see section 6601.

(4) *Deductions from employee.* If no income tax, or less than the correct amount of income tax, required under section 3402 to be withheld from wages is deducted from wages paid to an employee in a calendar year, the employer shall collect the amount of the undercollection on or before the last day of such year by deducting such amount from remuneration of the employee, if any, under his control. Such deductions may be made even though the remuneration, for any reason, does not constitute wages. Any undercollection in a calendar year not corrected by a deduction made pursuant to the foregoing provisions of this subparagraph is a matter for settlement between the employee and the employer within such calendar year. For provisions relating to the employer's liability for the tax, whether or not he collects it from the employee, see § 31.3403–1 of Subpart E of the regulations in this part.

§ 31.6302 Statutory provisions; mode or time of collection; discretionary method.

SEC. 6302. *Mode or time of collection.* * * *

(b) *Discretionary method.* Whether or not the method of collecting any tax imposed by chapters 21, 31, 32, 33, section 4481 of chapter 36, sections 4501(a) or 4511 of chapter 37, or sections 4701 or 4721 of chapter 39 is specifically provided for by this title, any such tax may, under regulations prescribed by the Secretary or his delegate, be collected by means of returns, stamps, coupons, tickets, books, or such other reasonable devices or methods as may be necessary or helpful in securing a complete and proper collection of the tax.

[Sec. 6302(b) as amended by sec. 206(b), Highway Revenue Act 1956 (70 Stat. 391)]

§ 31.6302(b)–1 Method of collection.

For provisions relating to collection by means of returns of the taxes imposed by chapter 21 (Federal Insurance Contributions Act), see §§ 31.6011(a)–1 and 31.6011(a)–5.

§ 31.6402(a) Statutory provisions; authority to make credits or refunds.

SEC. 6402. *Authority to make credits or refunds*—(a) *General rule.* In the case of any overpayment, the Secretary or his delegate, within the applicable period of limitations, may credit the amount of such overpayment, including any interest allowed thereon, against any liability in respect of an internal revenue tax on the part of the person who made the overpayment and shall refund any balance to such person.

§ 31.6402(a)–1 Credits or refunds.

(a) *In general.* For regulations under section 6402 of special application to credits or refunds of employment taxes, see §§ 31.6402(a)–2, 31.6402(a)–3, and 31.6414–1. For regulations under section 6402 of general application to credits or refunds, see §§ 301.6402–1 and 301.6402–2 of this chapter (Regulations on Procedure and Administration). For provisions relating to credits of employment taxes which constitute adjustments without interest, see §§ 31.6413(a)–1 and 31.6413(a)–2.

(b) *Period of limitation.* For the period of limitation upon credit or refund of taxes imposed by the Internal Revenue Code of 1954, see § 301.6511(a)–1 of this chapter (Regulations on Procedure and Administration). For the period of limitation upon credit or refund of any tax imposed by the Internal Revenue Code of 1939, see the regulations applicable with respect to such tax.

§ 31.6402(a)–2 Credit or refund of tax under Federal Insurance Contributions Act or Railroad Retirement Tax Act.

(a) *Claim by person who paid tax to district director*—(1) *In general.* Any person who pays to the district director more than the correct amount of—

(i) Employee tax under section 3101, or employer tax under section 3111, of the Federal Insurance Contributions Act,

(ii) Employee tax under section 3201, employee representative tax under section 3211, or employer tax under section 3221, of the Railroad Retirement Tax Act,

(iii) Any such tax under a corresponding provision of prior law, or

(iv) Interest, addition to the tax, additional amount, or penalty with respect to any such tax,

may file a claim for refund of the overpayment (except to the extent that the overpayment must be credited pursuant to § 31.3503–1 of Subpart F of the regulations in this part), or may claim credit for such overpayment, in the manner and subject to the conditions stated in this section and § 301.6402–2 of this chapter (Regulations on Procedure and Administration). If credit is claimed pursuant to this section, the amount thereof shall be claimed by entering such amount as a deduction on a return filed by the person making the claim. The return on which the credit is claimed must be on a form which is prescribed for use, at the time of the claim, in reporting tax which corresponds to the tax overpaid. If credit is taken pursuant to this section, a claim on Form 843 is not required, but the return on which the credit is claimed shall have attached as a part thereof a statement which shall constitute the claim for credit, setting forth in detail the grounds and facts relied upon in support of the credit, designating the return period in which the error was ascertained, and setting forth such other information as may be required by the regulations in this subpart and by the instructions relating to the return. No refund or credit of employee tax under the Federal Insurance Contributions Act

shall be allowed if for any reason (for example, an overcollection of employee tax having been inadvertently included by the employee in computing a special refund—see § 31.6413(c)–1) the employee has taken the amount of such tax into account in claiming a credit against, or refund of, his income tax, or if so, such claim has been rejected.

(2) *Statements supporting employers' claims for employee tax.* (i) Every claim filed by an employer for refund or credit of employee tax under section 3101 or section 3201, or a corresponding provision of prior law, collected from an employee shall include a statement that the employer has repaid the tax to such employee or has secured the written consent of such employee to allowance of the refund or credit. The employer shall retain as part of his records the written receipt of the employee showing the date and amount of the repayment, or the written consent of the employee, whichever is used in support of the claim.

(ii) Every claim filed by an employer for refund or credit of employee tax under section 3101, or a corresponding provision of prior law, collected from an employee in a calendar year prior to the year in which the credit or refund is claimed, also shall include a statement that the employer has obtained from the employee a written statement (*a*) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (*b*) that the employee will not claim refund or credit of such amount. The employer shall retain the employee's written statement as part of the employer's records.

(b) *Claim by employee*—(1) *In general.* If more than the correct amount of employee tax under section 3101 or section 3201, or a corresponding provision of prior law, is collected by an employer from an employee and paid to the district director, the employee may file a claim for refund of the overpayment if (i) the employee does not receive reimbursement in any manner from the employer and does not authorize the employer to file a claim and receive refund or credit, (ii) the overcollection cannot be corrected under § 31.3503–1 of Subpart F of the regulations in this part, and (iii) in the case of employee tax under section 3101 or a corresponding provision of prior law, the employee has not taken the overcollection into account in claiming a credit against, or refund of, his income tax, or if so, such claim has been rejected. See § 31.6413(c)–1.

(2) *Statements supporting employee's claim.* (i) Each employee who makes a claim under subparagraph (1) of this paragraph shall submit with such claim a statement setting forth (*a*) the extent, if any, to which the employer has reimbursed the employee in any manner for the overcollection, and (*b*) the amount, if any, of credit or refund of such overpayment claimed by the employer or authorized by the employee to be claimed by the employer. The employee shall obtain such statement, if possible, from the employer, who should include in such statement the fact that it is made in support of a claim against the United States to be filed by the employee for refund of employee tax paid by such employer to the district director. If the employer's statement is not submitted with the claim, the employee shall make the statement to the best of his knowledge and belief, and shall include therein an explanation of his inability to obtain the statement from the employer.

(ii) Each individual who makes a claim under subparagraph (1) of this paragraph for refund of employee tax under section 3101, or a corresponding provision of prior law, also shall submit with such claim a statement setting forth whether the individual has taken the amount of the overcollection into account in claiming a credit against, or refund of, his income tax, and the amount, if any, so claimed (see § 31.6413(c)–1).

(c) *Statements to accompany employers' and employees' claims under the Federal Insurance Contributions Act.* Whenever a claim for credit or refund of employee tax under section 3101, employer tax under section 3111, or either such tax under a corresponding provision of prior law, is made with respect to remuneration which was erroneously reported on a return or schedule as wages paid to an employee, such claim shall include a statement showing (1) the identification number of the employer, if he was required to make application therefor, (2) the name and account number of such employee, (3) the period covered by such return or schedule, (4) the amount of remuneration actually reported as wages for such employee, and (5) the amount of wages which should have been reported for such employee. No particular form is prescribed for making such statement, but if printed forms are desired, the district director will supply copies of Form 941c or Form 941c PR, whichever is appropriate, upon request.

§ 31.6402(a)–3 Refund of Federal unemployment tax.

Any person who pays to the district director more than the correct amount of—

(a) Tax under section 3301 of the Federal Unemployment Tax Act or a corresponding provision of prior law, or

(b) Interest, addition to the tax, additional amount, or penalty with respect to such tax,

may file a claim for refund of the overpayment, in the manner and subject to the conditions stated in § 301.6402–2 of this chapter (Regulations on Procedure and Administration). See § 31.6413(d) and the corresponding section of prior law for provisions which bar the allowance or payment of interest on the amount of any refund based on credit allowable for contributions paid under the unemployment compensation law of a State.

§ 31.6404(a) Statutory provisions; abatements.

SEC. 6404. *Abatements*—(a) *General rule.* The Secretary or his delegate is authorized to abate the unpaid portion of the assessment of any tax or any liability in respect thereof, which—

(1) Is excessive in amount, or

(2) Is assessed after the expiration of the period of limitation properly applicable thereto, or

(3) Is erroneously or illegally assessed.

§ 31.6404(a)–1 Abatements.

For regulations under section 6404 of general application to the abatement of taxes, see § 301.6404–1 of this chapter (Regulations on Procedure and Administration). Every claim filed by an employer for abatement of employee tax under section 3101 or section 3201, or a corresponding provision of prior law, shall be made in the manner and subject to the conditions stated in paragraphs (a)(2) and (c) of § 31.6402(a)–2, as if the claim for abatement were a claim for refund.

§ 31.6413(a) Statutory provisions; special rules applicable to certain employment taxes; adjustment of tax.

SEC. 6413. *Special rules applicable to certain employment taxes*—(a) *Adjustment of tax*—(1) *General rule.* If more than the correct amount of tax imposed by section 3101, 3111, 3201, 3221, or 3402 is paid with respect to any payment of remuneration, proper adjustments, with respect to both the tax and the amount to be deducted, shall be made, without interest, in such manner and at such times as the Secretary or his delegate may by regulations prescribe.

(2) *United States as employer.* For purposes of this subsection, in the case of remuneration received from the United States or a wholly-owned instrumentality thereof during any calendar year, each head of a Federal agency or instrumentality who makes a return pursuant to section 3122 and each agent, designated by the head of a Federal agency or instrumentality, who makes a return pursuant to such section shall be deemed a separate employer.

§ 31.6413(a)–1 Repayment by employer of tax erroneously collected from employee.

(a) *Before employer files return*—(1) *Employee tax under the Federal Insurance Contributions Act or the Railroad Retirement Tax Act.* (i) If an employer—

(*a*) During any return period collects from an employee more than the correct amount of tax under section 3101 or section 3201, or a corresponding provision of prior law,

(*b*) Repays the amount of the overcollection to the employee before the return for such period is filed with the district director, and

(*c*) Obtains and keeps as part of his records the written receipt of the employee showing the date and amount of the repayment,

the employer shall not report on any return or pay to the district director the amount of the overcollection.

(ii) Any overcollection not repaid to and receipted for by the employee as provided in subdivision (i) of this subparagraph shall be reported and paid to the district director with the return for the return period in which the overcollection was made. Such return shall be accompanied by a statement explaining the overcollection, setting forth the account number (if known) and name of the individual from whom the overcollection was made, and showing the total amount overcollected from and not re-

paid to the individual. If the employer is not required to make a return for such period, the employer nevertheless shall furnish to the district director a statement as described in the preceding sentence, on or before the date fixed for filing a return for such period, and shall pay the amount of the overcollection with such statement.

(2) *Income tax withheld from wages.* (i) If an employer—

(*a*) During any return period collects from an employee more than the correct amount of tax under section 3402,

(*b*) Repays the amount of the overcollection to the employee before the return for such period is filed with the district director and before the end of the calendar year in which the overcollection was made, and

(*c*) Obtains and keeps as part of his records the written receipt of the employee showing the date and amount of the repayment,

the employer shall not report on any return or pay to the district director the amount of the overcollection.

(ii) Any overcollection not repaid to and receipted for by the employee as provided in subdivision (i) of this subparagraph shall be reported and paid to the district director with the return for the return period in which the overcollection was made.

(b) *After employer files return*—(1) *Employee tax under the Federal Insurance Contributions Act or the Railroad Retirement Tax Act.* (i) If an employer collects from any employee and pays to the district director more than the correct amount of employee tax under section 3101 or section 3201, or a corresponding provision of prior law, and if the error is ascertained within the applicable period of limitation on credit or refund, the employer shall repay or reimburse the employee in the amount thereof prior to the expiration of the return period following the return period in which the error is ascertained and prior to the expiration of such limitation period. This subparagraph has no application in any case in which an overcollection is made the subject of a claim by the employer for refund or credit, and the employer elects to secure the written consent of the employee to the allowance of the refund or credit under the procedure provided in paragraph (a)(2)(i) of § 31.6402(a)–2.

(ii) If the amount of an overcollection is repaid to an employee, the employer shall obtain and keep as part of his records the written receipt of the employee, showing the date and amount of the repayment. If, in any calendar year, an employer repays or reimburses an employee in the amount of an overcollection of employee tax under section 3101, or a corresponding provision of prior law, which was collected from the employee in a prior calendar year, the employer shall obtain from the employee and keep as part of his records a written statement (*a*) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (*b*) that the employee will not claim refund or credit of such amount. See § 31.6413(c)–1.

(iii) If the employer does not repay the employee the amount overcollected, the employer shall reimburse the employee by applying the amount of the overcollection against the employee tax which attaches to wages or compensation paid to the employee prior to the expiration of the return period following the return period in which the error is ascertained and prior to the expiration of the applicable period of limitation on credit or refund. If the amount of the overcollection exceeds the amount so applied against such employee tax, the excess amount shall be repaid to the employee as required by this subparagraph.

(iv) For purposes of this subparagraph, an error is ascertained when the employer has sufficient knowledge of the error to be able to correct it.

(v) For the period of limitation upon credit or refund of taxes imposed by the Internal Revenue Code of 1954, see § 301.6511(a)–1 of this chapter (Regulations on Procedure and Administration). For the period of limitation upon credit or refund of any tax imposed by the Internal Revenue Code of 1939, see the regulations applicable with respect to such tax.

(2) *Income tax withheld from wages.* (i) If, in any return period in a calendar year, an employer collects from any employee more than the correct amount of tax under section 3402, and the employer pays the amount of such overcollection to the district director, the employer may repay or reimburse the employee in the amount thereof in any subsequent return period in such calendar year.

(ii) If the amount of the overcollection is repaid to the employee, the employer shall obtain and keep as part of his records the written receipt of the employee, showing the date and amount of the repayment. If the employer does not repay the amount of the overcollection, the employer may reimburse the employee by applying the amount of the overcollection against the tax under section 3402 which otherwise would be required to be withheld from wages paid by the employer to the employee in the calendar year in which the overcollection is made.

§ 31.6413(a)–2 Adjustment of overpayments.

(a) *Taxes under the Federal Insurance Contributions Act or the Railroad Retirement Tax Act*—(1) *Employee tax.* After an employer repays or reimburses an employee in the amount of an overcollection, as provided in paragraph (b)(1) of § 31.6413(a)–1, the employer may claim credit for such amount in the manner, and subject to the conditions, stated in § 31.6402(a)–2. Such credit shall constitute an adjustment, without interest, if the amount thereof is entered on a return for a period ending on or before the last day of the return period following the return period in which the error was ascertained. No credit or adjustment in respect of an overpayment shall be entered on a return after the filing of a claim for refund of such overpayment.

(2) *Employer tax.* If an employer pays more than the correct amount of employer tax under section 3111 or section 3221, or a corresponding provision of prior law, the employer may claim credit for the amount of the overpayment in the manner, and subject to the conditions, stated in § 31.6402(a)–2. Such credit shall constitute an adjustment, without interest, if the amount thereof is entered on the same return on which the employer adjusts, pursuant to subparagraph (1) of this paragraph, a corresponding overpayment of employee tax.

(b) *Income tax withheld from wages.* If, pursuant to paragraph (b)(2) of § 31.6413(a)–1, an employer repays or reimburses an employee in the amount of an overcollection of tax under section 3402, the employer may adjust the overcollection, without interest, by entering the amount thereof as a deduction on a return of tax under section 3402, filed by the employer for any return period in the calendar year in which the employer repays or reimburses the employee. The return on which the adjustment is entered as a deduction shall have attached thereto a statement explaining the adjustment, designating the return period in which the error occurred, and setting forth such other information as is required by the regulations in this subpart and by the instructions relating to the return.

§ 31.6413(b) Statutory provisions; special rules applicable to certain employment taxes; overpayments of certain employment taxes.

SEC. 6413. *Special rules applicable to certain employment taxes.* * * *

(b) *Overpayments of certain employment taxes.* If more than the correct amount of tax imposed by section 3101, 3111, 3201, 3221, or 3402 is paid or deducted with respect to any payment of remuneration and the overpayment cannot be adjusted under subsection (a) of this section, the amount of the overpayment shall be refunded in such manner and at such times (subject to the statute of limitations properly applicable thereto) as the Secretary or his delegate may by regulations prescribe.

§ 31.6413(b)–1 Overpayments of certain employment taxes.

For provisions relating to the adjustment of overpayments of tax imposed by section 3101, 3111, 3201, 3221, or 3402, see § 31.6413(a)–2. For provisions relating to refunds of tax imposed by section 3101, 3111, 3201, or 3221, see §§ 31.6402(a)–1 and 31.6402(a)–2. For provisions relating to refunds of tax imposed by section 3402, see §§ 31.6402(a)–1 and 31.6414–1.

§ 31.6413(c) Statutory provisions; special rules applicable to certain employment taxes; special refunds.

SEC. 6413. *Special rules applicable to certain employment taxes.* * * *

(c) *Special refunds*—(1) *In general.* If by reason of an employee receiving wages from more than one employer during a calendar year after the calendar year 1950 and prior to the calendar year 1955, the wages received by him during such year exceed $3,600, the employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 1400 of the Internal Revenue Code of 1939 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect

to the first $3,600 of such wages received; or if by reason of an employee receiving wages from more than one employer (A) during any calendar year after the calendar year 1954 and prior to the calendar year 1959, the wages received by him during such year exceed $4,200, or (B) during any calendar year after the calendar year 1958, the wages received by him during such year exceed $4,800, the employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 3101 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first $4,200 of such wages received in such calendar year after 1954 and before 1959, or which exceeds the tax with respect to the first $4,800 of such wages received in such calendar year after 1958.

(2) *Applicability in case of Federal and State employees and employees of certain foreign corporations*—(A) *Federal employees.* In the case of remuneration received from the United States or a wholly-owned instrumentality thereof during any calendar year, each head of a Federal agency or instrumentality who makes a return pursuant to section 3122 and each agent, designated by the head of a Federal agency or instrumentality, who makes a return pursuant to such section shall, for purposes of this subsection, be deemed a separate employer, and the term "wages" includes for purposes of this subsection the amount, not to exceed $3,600 for the calendar year 1951, 1952, 1953, or 1954, $4,200 for the calendar year 1955, 1956, 1957, or 1958, or $4,800 for any calendar year after 1958, determined by each such head or agent as constituting wages paid to an employee.

(B) *State employees.* For purposes of this subsection, in the case of remuneration received during any calendar year, the term "wages" includes such remuneration for services covered by an agreement made pursuant to section 218 of the Social Security Act as would be wages if such services constituted employment; the term "employer" includes a State or any political subdivision thereof, or any instrumentality of any one or more of the foregoing; the term "tax" or "tax imposed by section 3101" includes, in the case of services covered by an agreement made pursuant to section 218 of the Social Security Act, an amount equivalent to the tax which would be imposed by section 3101, if such services constituted employment as defined in section 3121; and the provisions of this subsection shall apply whether or not any amount deducted from the employee's remuneration as a result of an agreement made pursuant to section 218 of the Social Security Act has been paid to the Secretary.

(C) *Employees of certain foreign corporations.* For purposes of paragraph (1) of this subsection, the term "wages" includes such remuneration for services covered by an agreement made pursuant to section 3121(l) as would be wages if such services constituted employment; the term "employer" includes any domestic corporation which has entered into an agreement pursuant to section 3121(l); the term "tax" or "tax imposed by section 3101", includes, in the case of services covered by an agreement entered into pursuant to section 3121(l), an amount equivalent to the tax which would be imposed by section 3101, if such services constituted employment as defined in section 3121; and the provisions of paragraph (1) of this subsection shall apply whether or not any amount deducted from the employee's remuneration as a result of the agreement entered into pursuant to section 3121 (l) has been paid to the Secretary or his delegate.

[Sec. 6413(c) as amended by sec. 202(a)(1), Social Security Amendments 1954 (68 Stat. 1089); sec. 402(d), Social Security Amendments 1958 (72 Stat. 1043)]

§ 31.6413(c)–1 Special refunds.

(a) *Who may make claims*—(1) *In general.* (i) If, during any calendar year after 1954 and before 1959, an employee receives wages, as defined in section 3121(a), in excess of $4,200 from two or more employers, or if during any calendar year after 1958, an employee receives wages, as defined in section 3121(a), in excess of $4,800 from two or more employers, the employee shall be entitled to a special refund of the amount, if any, by which the employee tax imposed by section 3101 with respect to such wages and deducted therefrom (whether or not paid to the district director) exceeds the employee tax with respect to the first $4,200 or $4,800, whichever is appropriate, of such wages. If the employee is required to file an income tax return for such calendar year (or for his last taxable year beginning in such calendar year) he may obtain the benefit of the special refund only by claiming credit as provided in § 1.31–2 of this chapter (Income Tax Regulations).

(ii) The application of this subparagraph may be illustrated by the following examples:

Example (1). Employee A in the calendar year 1959 receives taxable wages in the amount of $3,000 from each of his employers, B, C, and D, for services performed during such year (or at any time after 1936), or a total of $9,000. Employee tax (computed at 2½ percent, the employee tax rate in effect in 1959) is deducted from A's wages in the amount of $75 by B and $75 by C, or a total of $150. Employer D pays employee tax in the amount of $75 to the district director without deducting such tax from A's wages. The employee tax with respect to the first $4,800 of such wages is $120. A is entitled to a special refund of $30 ($150 minus $120). The $3,000 of wages received from employer D and the $75 of employee tax paid with respect thereto have no bearing in computing A's special refund since such tax was not deducted from his wages.

Example (2). Employee E in the calendar year 1959 performs services for employers F and G, for which E is entitled to wages of $4,800 from each employer, or a total of $9,600. On account of such services, E in 1958 received an advance payment of $600 of wages from F; and in 1959, receives wages in the amount of $4,200 from F and $4,800 from G. Employee tax was deducted as follows: In 1958, $13.50 ($600×2¼%, the employee tax rate in effect in 1958) by employer F; and in 1959, $105 ($4,200×2½%, the employee tax rate in effect in 1959) by employer F, and $120 ($4,800×2½%) by employer G. Thus, E in the calendar year 1959 received $9,000 in wages, from which $225 of employee tax was deducted. The amount of employee tax with respect to the first $4,800 of such wages received in 1955 is $120. E is entitled to a special refund of $105 ($225 minus $120). The $600 advance of wages received in 1958 from F, and the $13.50 of employee tax with respect thereto, have no bearing in computing E's special refund for 1959, because the wages were not received in 1959. Such amounts could not form the basis for a special refund unless E during 1958 received from F and at least one more employer wages totaling more than $4,200.

(2) *Federal employees.* For purposes of special refunds of employee tax, each head of a Federal agency or of a wholly owned instrumentality of the United States who makes a return pursuant to section 3122 (and each agent designated by head of a Federal agency or instrumentality who makes a return pursuant to such section) is considered a separate employer. For such purposes, the term "wages" includes the amount which each such head (or agent) determines to constitute wages paid an employee, but not in excess of $4,200 paid in any calendar year after 1954 and before 1959, or $4,800 paid in any calendar year after 1958. For example, if wages received by an employee during any calendar year after 1958 are reportable by two or more agents of one or more Federal agencies and the amount of such wages is in excess of $4,800, the employee shall be entitled to a special refund of the amount, if any, by which the employee tax imposed with respect to such wages and deducted therefrom exceeds the employee tax with respect to the first $4,800 of such wages. Moreover, if an employee receives wages during any calendar year from an agency or wholly owned instrumentality of the United States and from one or more other employers, either private or governmental, the total amount of such wages shall be taken into account for purposes of the special refund provisions.

(3) *State employees.* For purposes of special refunds of employee tax, the term "wages" includes such remuneration for services covered by an agreement made pursuant to section 218 of the Social Security Act, relating to voluntary agreements for coverage of employees of State and local governments, as would be wages if such services constituted employment (see § 31.3121(a)–1 of Subpart B of the regulations in this part, relating to wages); the term "employer" includes a State or any political subdivision thereof, or any instrumentality of any one or more of the foregoing; and the term "tax" or "tax imposed by section 3101" includes an amount equivalent to the employee tax which would be imposed by section 3101 if such services constituted employment. The provisions of subparagraph (1) of this paragraph are applicable whether or not any amount deducted from an employee's remuneration as a result of an agreement made pursuant to section 218 of the Social Security Act has been paid pursuant to such agreement. Thus, the special refund provisions are applicable to amounts equivalent to employee tax deducted from employees' remuneration by States, political subdivisions, or instrumentalities by reason of agreements made under section 218 of the Social Security Act. Moreover, if during any calendar year an employee receives remuneration for services covered by such an agreement and during the same calendar year receives wages from one or more other employers, either private or governmental, the total amount of such remuneration and wages shall be taken into account for purposes of the special refund provisions.

(4) *Employees of certain foreign corporations.* For purposes of special refunds of employee tax, the term "wages" includes such remuneration for services covered by an agreement made pursuant to section 3121(l), relating to agreements for coverage of employees of certain foreign corporations, as would be wages if such services constituted employment

(see § 31.3121(a)–1 of Subpart B of the regulations in this part, relating to wages); the term "employer" includes any domestic corporation which has entered into an agreement pursuant to section 3121(l); and the term "tax" or "tax imposed by section 3101" includes, in the case of services covered by an agreement entered into pursuant to section 3121(l), an amount equivalent to the employee tax which would be imposed by section 3101 if such services constituted employment. The provisions of subparagraph (1) of this paragraph are applicable whether or not an amount deducted from the employee's remuneration by reason of such agreement has been paid to the district director. Thus, the special refund provisions are applicable to amounts equivalent to employee tax deducted from employees' remuneration by reason of agreements made under section 3121(l). A domestic corporation which enters into an agreement pursuant to section 3121(l) shall, for purposes of this paragraph, be considered an employer in its capacity as a party to such agreement separate and distinct from its identity as an employer employing individuals on its own account (see section 3121(l)(9)). If during any calendar year an employee receives remuneration for services covered by such an agreement and during the same calendar year receives wages for services in employment, the total amount of such remuneration and wages shall be taken into account for purposes of the special refund provisions. For provisions relating to agreements entered into under section 3121(l), see the regulations in Part 36 of this chapter (Regulations on Contract Coverage of Employees of Foreign Subsidiaries).

(b) *Claims for special refund*—(1) *In general.* An employee who is entitled to a special refund under section 6413(c) may claim such refund under the provisions of this section only if the employee is not entitled to claim the amount thereof as a credit against income tax as provided in § 1.31–2 of this chapter (Income Tax Regulations). Each claim under this section shall be made with respect to wages received within one calendar year (regardless of the year or years after 1936 during which the services were performed for which such wages are received), and shall be filed after the close of such year.

(2) *Form of claim.* Each claim for special refund under this section shall be made on Form 843, in accordance with the regulations in this subpart and the instructions relating to such form. The claim shall be filed with the district director for the internal revenue district in which the employee resides or, if the employee does not reside in any internal revenue district, with the District Director at Baltimore, Maryland. However, in the case of an employee who does not reside in any internal revenue district and who is outside the United States, the claim shall be filed with the Director, International Operations Division, United States Internal Revenue Service, Washington 25, D.C., unless the employee resides in Puerto Rico or the Virgin Islands, in which case the claim shall be filed with the office of the Director, International Operations Division, United States Internal Revenue Service, Santurce, Puerto Rico. The claim shall include the employee's account number and the following information with respect to each employer from whom he received wages during the calendar year: (i) The name and address of such employer, (ii) the amount of wages received during the calendar year to which the claim relates, and (iii) the amount of employee tax collected by the employer from the employee with respect to such wages. Other information may be required but should be submitted only upon request.

(3) *Period of limitation.* For the period of limitation upon special refund of employee tax imposed by section 3101, see § 301.6511(a)–1 of this chapter (Regulations on Procedure and Administration).

§ 31.6413(d) Statutory provisions; special rules applicable to certain employment taxes; refund or credit of Federal unemployment tax.

SEC. 6413. *Special rules applicable to certain employment taxes.* * * *

(d) *Refund or credit of Federal unemployment tax.* Any credit allowable under section 3302, to the extent not previously allowed, shall be considered an overpayment, but no interest shall be allowed or paid with respect to such overpayment.

§ 31.6414 Statutory provisions; income tax withheld.

SEC. 6414. *Income tax withheld.* In the case of an overpayment of tax imposed by chapter 24, * * * refund or credit shall be made to the employer * * * only to the extent that the amount of such overpayment was not deducted and withheld by the employer * * *.

§ 31.6414–1 Credit or refund of income tax withheld from wages.

(a) *In general.* Any employer who pays to the district director more than the correct amount of—

(1) Tax under section 3402 or a corresponding provision of prior law, or

(2) Interest, addition to the tax, additional amount, or penalty with respect to such tax,

may file a claim for refund of the overpayment or may claim credit for such overpayment, in the manner and subject to the conditions stated in this section and § 301.6402–2 of this chapter (Regulations on Procedure and Administration). If credit is claimed pursuant to this section, the amount thereof shall be claimed by entering such amount as a deduction on a return of tax under section 3402 filed by the employer. If credit is taken pursuant to this section, a claim on Form 843 is not required, but the return on which the credit is claimed shall have attached as a part thereof a statement, which shall constitute the claim for credit, setting forth in detail the grounds and facts relied upon in support of the credit, and showing such other information as is required by the regulations in this subpart and by the instructions relating to the return. No refund or credit to the employer shall be allowed under this section for the amount of any overpayment of tax which the employer deducted or withheld from an employee.

(b) *Period of limitation.* For the period of limitation upon credit or refund of taxes imposed by the Internal Revenue Code of 1954, see § 301.6511(a)–1 of this chapter (Regulations on Procedure and Administration). For the period of limitation upon credit or refund of any tax imposed by the Internal Revenue Code of 1939, see the regulations applicable with respect to such tax.

§ 31.6674 Statutory provisions; fraudulent statement or failure to furnish statement to employee.

SEC. 6674. *Fraudulent statement or failure to furnish statement to employee.* In addition to the criminal penalty provided by section 7204, any person required under the provisions of section 6051 to furnish a statement to an employee who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under section 6051, or regulations prescribed thereunder, shall for each such failure be subject to a penalty under this subchapter of $50, which shall be assessed and collected in the same manner as the tax on employers imposed by section 3111.

§ 31.6674–1 Penalties for fraudulent receipt or failure to furnish receipt.

Any person required to furnish a statement to an employee under the provisions of section 6051 is subject to a civil penalty for willful failure to furnish such statement in the manner, at the time, and showing the information required under such section or § 31.6051–1, or for willfully furnishing a false or fraudulent statement to an employee. The penalty for each such violation is $50, which shall be assessed and collected in the same manner as the tax imposed on employers under the Federal Insurance Contributions Act. See section 7204 for criminal penalty.

§ 31.7805 Statutory provisions; rules and regulations.

SEC. 7805. *Rules and regulations*—(a) *Authorization.* Except where such authority is expressly given by this title to any person other than an officer or employee of the Treasury Department, the Secretary or his delegate shall prescribe all needful rules and regulations for the enforcement of this title, including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary or his delegate may prescribe the extent, if any, to which any ruling or regulation, relating to the internal revenue laws, shall be applied without retroactive effect.

(c) *Preparation and distribution of regulations, forms, stamps, and other matters.* The Secretary or his delegate shall prepare and distribute all the instructions, regulations, directions, forms, blanks, stamps, and other matters pertaining to the assessment and collection of internal revenue.

§ 31.7805–1 Promulgation of regulations.

In pursuance of section 7805 of the Internal Revenue Code of 1954, the foregoing regulations are hereby prescribed. (See § 31.0–3 of Subpart A of the regulations in this part relating to the scope of the regulations.)

PAR. 2. The Employment Tax Regulations (26 CFR Part 31) are amended by inserting the following immediately after § 31.6001–5:

§ 31.6001–6 Notice by district director requiring returns, statements, or the keeping of records.

The district director may require any person, by notice served upon him, to make such returns, render such statements, or keep such specific records as will enable the district director to determine whether or not such person is liable for any of the taxes to which the regulations in this part have application.

PAR. 3. Paragraph (c) of § 31.6011 (a)–7 of the Employment Tax Regulations (26 CFR Part 31) is amended to read as follows:

§ 31.6011(a)–7 Execution of returns.

* * * * *

(c) *Signing and verification.* For provisions relating to the signing of returns, see § 31.6061–1. for provisions relating to the verifying of returns, see § 31.6065(a)–1.

PAR. 4. Section 31.6051 of the Employment Tax Regulations (26 CFR Part 31) is amended to read as follows:

§ 31.6051 Statutory provisions; receipts for employees.

SEC. 6051. *Receipts for employees*—(a) *Requirement.* Every person required to deduct and withhold from an employee a tax under section 3101 or 3402, or who would have been required to deduct and withhold a tax under section 3402 if the employee had claimed no more than one withholding exemption, shall furnish to each such employee in respect of the remuneration paid by such person to such employee during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of remuneration is made, a written statement showing the following:

(1) The name of such person,

(2) The name of the employee (and his social security account number if wages as defined in section 3121(a) have been paid),

(3) The total amount of wages as defined in section 3401(a),

(4) The total amount deducted and withheld as tax under section 3402,

(5) The total amount of wages as defined in section 3121(a), and

(6) The total amount deducted and withheld as tax under section 3101.

In the case of compensation paid for service as a member of a uniformed service, the statement shall show, in lieu of the amount required to be shown by paragraph (5), the total amount of wages as defined in section 3121(a), computed in accordance with such section and section 3121(i)(2).

(b) *Special rule as to compensation of members of Armed Forces.* In the case of compensation paid for service as a member of the Armed Forces, the statement required by subsection (a) shall be furnished if any tax was withheld during the calendar year under section 3402, or if any of the compensation paid during such year is includible in gross income under chapter 1, or if during the calendar year any amount was required to be withheld as tax under section 3101. In lieu of the amount required to be shown by paragraph (3) of subsection (a), such statement shall show as wages paid during the calendar year the amount of such compensation paid during the calendar year which is not excluded from gross income under chapter 1 (whether or not such compensation constituted wages as defined in section 3401(a)).

(c) *Additional requirements.* The statements required to be furnished pursuant to this section in respect of any remuneration shall be furnished at such other times, shall contain such other information, and shall be in such form as the Secretary or his delegate may by regulations prescribe.

(d) *Statements to constitute information returns.* A duplicate of any statement made pursuant to this section and in accordance with regulations prescribed by the Secretary or his delegate shall, when required by such regulations, be filed with the Secretary or his delegate.

[Sec. 6051 as amended by sec. 412, Servicemen's and Veterans' Survivor Benefits Act (70 Stat. 879)]

[F.R. Doc. 60–2598; Filed, Mar. 22, 1960; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

In re: Notice of filing of petition for issuance of regulation providing for the use of vinylidene chloride polymer dispersion coated cellophane films in food packaging.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), the following notice is issued:

A petition has been filed by E. I. du Pont de Nemours and Company, Inc., 1007 Market Street, Wilmington 98, Delaware, proposing the issuance of a regulation to provide for the safe use in food packaging of vinylidene chloride polymer dispersion coated cellophane films which contain the following food additive at not more than the indicated concentration:

Sodium lauryl sulfate—1.19 percent.

Dated: March 16, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60–2594; Filed, Mar. 22, 1960; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 300, 302]

[Procedural Regs., Docket No. 11221]

PRINCIPLES AND RULES OF PRACTICE

Notice of Proposed Rule Making

MARCH 18, 1960.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 300 of the Procedural Regulations of a clarifying nature, particularly with regard to private communications to the Board and to the solicitation of support of third persons by parties to a proceeding. A related amendment to Part 302 is also proposed.

The principal features of the proposed regulation are explained in the explanatory statement below and the proposed amendments to Parts 300 and 302 are set forth in the proposed rule, below. This regulation is proposed under authority of sections 204(a) and 1001 of the Federal Aviation Act of 1958 (72 Stat. 743, 778; 49 U.S.C. 1324, 1481).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before April 21, 1960, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after April 25, 1960, for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. Part 300 of the Board's Procedural Regulations, which sets forth the principles of practice that govern the relationship between the Board, its staff, and all other persons, was adopted by the Board on March 27, 1951, and since that time has served as a guide to all parties in relation to matters pending before the Board. However, in light of certain problems which have arisen as a result of efforts to apply these rules to particular activities it is believed that amendments expressly dealing with private communications to the Board and solicitation of support of third persons by the parties as well as amendments of a clarifying nature, are required.

Following the Board's recent opinion in the New York-San Francisco Nonstop Service Case, Docket 9214, petitions were filed for reconsideration and for other relief which alleged violations of those rules in Part 300 that are applicable to the conduct of parties in hearing cases. The matter was set down for oral argument and after considering the contentions of the parties, the Board decided, among other things, that in view of the various problems encountered in interpreting and applying the rules to the activities of the parties in the case, a rule making re-examination looking toward clarification of the rules should be undertaken.

Existing § 300.2 (a) and (b) prohibits "private communications on the merits" of hearing cases to members of the Board, the staff, or hearing examiners, by any person, unless provided for by law, and communications to the Board or examiner by staff members who participate in the hearing as counsel or witnesses.

First, there is some question as to what is meant by "private communications."

Specifically the question is whether written communications relating to the issues, received by the Board but not filed pursuant to the Board's rules of practice and not served on all parties pursuant to the rules, are private even though no confidential treatment is requested and they are made public by placing them in the Board's correspondence file pertaining to the proceeding. The Board does construe these as private communications and proposes to clarify the rules in Part 300 to so indicate. Oral communications which are made where all parties have not been given an opportunity to be present are likewise considered to be private communications.

The Board believes that it would be beneficial to express by regulation its present practice of placing in the correspondence file all written communications concerning a hearing case which do not become part of the official record. This treatment of communications is in accord with proposals presently before the Congress for dealing with private communications and appears to be the most satisfactory method of handling such letters to the Board. The Board believes that its responsibility for making such communications public is satisfied by making them available in this manner to the public at the time they are received. Such communications, of course, do not become part of the record for decision in a hearing case and any discussion of the merits therein will be ignored by the Board. While this provision is necessary, it should not be interpreted as a reflection on the integrity of persons whose communications are made in good faith and who are unaware of the Board's rules.

Similarly, there is a question as to the meaning of the phrase "on the merits." The Board believes that procedural issues, including the issue of whether a proceeding should be expedited, are issues "on the merits" for the purposes of the rule against private communications. Depending upon the circumstances, a procedural issue can be of the utmost importance and highly controversial, and a decision thereon may have a bearing on the outcome of a case. This would leave only inquiries as to the status of proceedings or equally innocuous communications in the category of permissible private communications.

Parties or applicants for intervention must, of course, make their requests for expedition by motion pursuant to § 302.18. At this time the rules do not provide a procedural device for expedition requests of other interested persons. Yet the Board recognizes that persons who are not parties to a proceeding or applicants for intervention therein may have a legitimate interest in urging expedition of such proceeding. The Board therefore proposes to amend § 302.14 by providing that such persons may submit expedition requests by motion, or support or oppose expedition motions of other persons, but they must serve copies of such communications on all parties to the proceeding. Communications which are not in compliance with these requirements would be ignored by the Board.

It was further found that the rules do not expressly authorize or prohibit parties from soliciting persons to support their positions either by participation in the hearing or by communications to the Board which are not improper private communications. The Board believes that where such solicitation does not constitute an effort to bring pressure or influence to bear on the members of the Board or its staff, or the examiner in the case and it is contemplated that the support will be expressed within the framework of the Board's rules, the solicitation of support is proper. Conversely, the solicitation of support of third persons which cannot be expressed within the framework of the Board's rules is not legitimate and is therefore improper. Further, since such communications cannot be considered by the Board in making its decision, solicitations thereof are misleading in that they may give the persons solicited the impression that they are making a meaningful communication to the Board.

The Board therefore proposes to amend Part 300 to provide that it shall be improper for any party to a proceeding to engage in any activity which may reasonably be expected to result in producing communications on the merits to the Board or its staff, or the examiner in the case, which will not be served upon all the parties or orally presented at a hearing or oral argument. Thus, while the Board will not prohibit parties from soliciting the support of third persons, it would require that the solicitation be undertaken in a manner which would assure that such persons would not present their position, facts, or any other relevant material outside the framework of the Board's rules. Accordingly, the Board would require a party soliciting support of third persons to call the pertinent Board regulations to such persons' attention.

However, it appears to the Board that even solicitation for support which complies with the foregoing principles may result in pressure on the Board or its members or staff. The Board believes the intent of the person soliciting support should be determinative of whether his efforts shall be considered improper. If the intent is to bring pressure to bear on the Board or its staff by producing a great number of communications to the Board, of course such solicitation is clearly improper and is presently prohibited by § 300.2(c) of the Board's principles of practice. On the other hand, if the intent is to create support on the merits of issues in a proceeding, it may be that such solicitation is proper and would not be rendered improper because of the number of communications to the Board. While no pertinent amendment to the rules is formulated herein, comments on this problem are invited.

Another problem is at what stage in a hearing case do the rules concerning improper attempts to influence (including private communications on the merits) become applicable. It is believed that these protective principles should apply to all matters to be decided upon an evidentiary record. With respect to matters required by statute or general rule to be decided after notice and hearing, the rules would be made applicable from the time an application is filed. As to matters which the Board voluntarily sets down for an evidentiary hearing, the rules would apply from the time of such Board action.

While some amendments to the rules have been formulated in this proposal in order to enable interested persons to submit more specific comments, the comments should not be limited to such amendments. The Board invites comments on all proposals mentioned herein and further invites suggestions as to other improvements of its rules concerning ethical practices. Thus, for example, comments are invited on the sufficiency of sanctions for violations, amendments of related procedural rules, and to what extent as a practical matter they should be applied to oral communications.

It should be emphasized that the Board does not intend that its rules shall be amended to prevent conferences or communications between the agency and its staff on the one hand and outside persons on the other, in other than record cases or in record cases where not precluded by law. These rules are not intended to apply to informal complaints filed with the Board or to communications asked for by staff members of the Board in the course of preparing a case, or for the purpose of determining whether a complaint should be docketed, or to the usual informal communications between counsel, or to settlement or investigative activities, or to other communications which are deemed proper in proceedings in the federal courts. Also, the Board's proceedings should not become overly formalistic and the need for additional procedural safeguards should be considered in light of the cost thereof in time and money.

Proposed rule. It is proposed to amend Part 300 of the Procedural Regulations (14 CFR Part 300) by amending § 300.2 to read as follows:

§ 300.2 Hearing cases; improper influence.

It is essential in cases to be determined after notice and hearing and upon a record that the Board's judicial character be recognized and protected. Therefore, from the time of filing of an application or petition which pursuant to law must be passed upon by the Board after notice and hearing, or, in case of other matters, from the time of notice by the Board that such matter shall be determined after notice and hearing and upon a record:

(a) A communication on any substantive or procedural issue in the case to a member of the Board or its staff or to the examiner in the case other than in compliance with the Board's rules of practice or made orally at a hearing or oral argument, by any person, either in private or public life, shall be deemed a private communication on the merits. Such communications unless otherwise provided for by law or published rule are hereby prohibited: *Provided,* That this prohibition shall not be deemed to apply to informal complaints filed with the Board or to communications asked

for by staff members of the Board in the course of preparing a case, or for the purpose of determining whether a complaint should be docketed, or to the usual informal communications between counsel, or to settlement or investigative activities, or to other communications which are deemed proper in proceedings in the Federal courts. Communications which merely make inquiry as to the status of a proceeding without discussing issues are not considered communications on the merits. Any prohibited communication in writing received by the Board or its staff or the examiner in the case, shall be made public by placing it in the correspondence file of the case which is available for inspection and copying during business hours in the Board's Docket Section, but will not be considered by the Board or the examiner as part of the record for decision.

(b) Requests for expeditious treatment of a pending application will be considered communications on the merits. If made by a party or applicant for intervention, such a request shall be made by motion (§ 302.18). If made by any other interested person, such a request shall be made in accordance with the requirements in § 302.14. A request which is not made in accordance with the Board's rules shall be placed in the public correspondence file and will not be considered by the Board.

(c) It is improper that there be any private communication on the merits of any substantive or procedural issue in the case to a member of the Board or to the examiner in the case by any members of the Board's staff who participate in the hearing as witnesses or as counsel.

(d) It is improper that there be any effort by any person interested in the case to sway the judgment of the Board by attempting to bring pressure or influence to bear upon the members of the Board or its staff, or that such person or any member of the Board's staff, directly or indirectly, give statements to the press or radio, by paid advertisements or otherwise, designed to influence the Board's judgment in the case.

(e) It is improper for any party to a proceeding to solicit the support of third persons in a manner likely to result in producing communications to the Board or its staff, or the examiner in the case, which are not proper under the Board's regulations. A party soliciting support of any person shall call such person's attention to the provisions in this part and Part 302 which govern participation in hearing cases before the Board.

It is proposed to amend Part 302 of the Procedural Regulations (14 CFR Part 302) by amending § 302.14 to read as follows:

§ 302.14 Participation in hearing cases by persons not parties.

(a) *Requests for expedition.* In any case to be determined after notice and hearing and upon a record, any interested person including any State, subdivision thereof, State aviation commission, or other public body, may by motion request expedition of such case or file an answer in support of or in opposition to such motions. Such motions and answers shall be served upon all parties to the case as provided in § 302.8.

(b) *Participation in hearings.* Any person, including any State, subdivision thereof, State aviation commission, or other public body, may appear at any hearing, other than in an enforcement proceeding, and present any evidence which is relevant to the issues. With the consent of the examiner or the Board, if the hearing is held by the Board, such person may also cross-examine witnesses directly. Such persons may also present to both the examiner and the Board a written statement on the issues involved in the proceeding. Such statements shall conform to the requirements of these rules as to form, content, service, and time of filing of briefs to the examiner and the Board.

(c) *Participation in oral argument.* A representative of any department, agency or branch of the Federal Government or of any State government (including a State aviation commission) may appear and present oral argument in any proceeding in which argument has been assigned.

[F.R. Doc. 60-2603; Filed, Mar. 22, 1960; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 316]

AIRWORTHINESS DIRECTIVES

Mooney Aircraft

Pursuant to the authority delegated to me by the Administrator, (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection for wood and glue joint deterioration and cracking in metal structural components or welds on Mooney M-20 and M-20A aircraft. Any unsatisfactory conditions found shall be corrected.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue, NW., Washington 25, D.C. All communications received on or before April 22, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) (14 CFR Part 507), by adding the following airworthiness directive:

MOONEY. Applies to Models M-20 and M-20A aircraft, all Serial Numbers except as noted.

Compliance required as indicated.

Due to reports of wood and glue joint deterioration and cracking in metal structural components or welds, the following inspections shall be accomplished:

Compliance with items (a), (b), and (c) shall be accomplished by July 15, 1960, unless already accomplished within the last twelve calendar months and thereafter at periods not exceeding twelve calendar months. For aircraft less than one year old, the first inspection may be deferred to coincide with the periodic inspection or next scheduled inspection but not to exceed twelve calendar months.

Compliance with items (d) and (e) shall be accomplished by July 15, 1960.

Any unsatisfactory condition found shall be corrected prior to further flight in accordance with CAM 18 or applicable Mooney Service Instructions.

(a) Empennage.

(1) Block airplane, check empennage freeplay, and eliminate excessive freeplay in accordance with Mooney Service Letter 20-62.

(2) Visually inspect the empennage areas which are not covered with fabric, for wood or glue joint deterioration. Also in covered areas where the fabric shows a crack or break, open the fabric and inspect the adjacent wood and glue joints for deterioration.

(3) Applies only to S/N 1002 through 1587. Remove paint from cluster hinge P/N 4005 (S/N 1002-1449) and P/N 4061 (S/N 1450-1587) in the vicinity of the welds between the vertical plates and top of the horizontal plate. Inspect for cracks in this area, using a 10-power glass. If cracked, replace part in accordance with Mooney Service Letter 20-69.

(4) Clear all empennage drain holes.

(b) Fuselage.

(1) Inspect the fuselage aft bulkhead lower stiffener, P/N 3087 for cracks using a 10-power glass. If cracked, repair or replace part in accordance with Mooney Service Letter 20-66.

(2) Remove rear seat, auxiliary fuel tank, and wing-to-fuselage fairings. Visually inspect all exposed areas for wood or glue joint deterioration. Apply one coat of aluminized sealer or spar varnish to the interior center section after inspection or repair.

(c) Wing.

(1) Applies only to S/N 1002 through 1578. Visually inspect wing walk areas for wood and glue joint deterioration. Any defects shall be repaired and reinforced in accordance with Mooney Service Letter 20-67.

(2) Visually inspect in main gear wheel well areas for wood or glue joint deterioration. Apply one coat of aluminized sealer or spar varnish to the wing wheel well compartment after inspection or repair.

(3) Remove all wing access panels. Visually inspect all areas that can be viewed through these openings for wood or glue joint deterioration.

(4) Visually inspect the wing trailing edge for wood or glue joint deterioration. Visually inspect the fabric for cracks or breaks. In areas where fabric shows a crack or break, open the fabric and inspect the adjacent wood and glue joints.

(5) Clear all wing drain holes.

(d) Applies only to S/N 1002 through 1540. Replace empennage attach bracket P/N 3009 with P/N 3471 and check alinement at trim link P/N 7108 in accordance with Mooney Service Letter 20-60.

(e) Applies only to S/N 1002 through 1447. Finger straps P/N 4063 must be installed and welded to the tail truss P/N 4009 at the lower attachment to the trim link in accordance with Mooney Service Letter 20–68. If previously accomplished no inspection necessary. If not, remove paint and inspect trim attach fitting P/N 4010 near weld for cracks using a dye penetrant and a 10-power glass. Repair any cracked areas prior to installing finger straps.

Issued in Washington, D.C., on March 16, 1960.

OSCAR BAKKE,
Director, Bureau of Flight Standards.

[F.R. Doc. 60–2571; Filed, Mar. 22, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59–WA–430]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6042 and 601.6042 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 42 presently extends in part from Flint, Mich., to Windsor, Ontario. The Federal Aviation Agency has under consideration the designation of a standard east alternate to Victor 42 from the Flint VOR to the Windsor VOR. The designation of this standard east alternate would provide a bypass route for separating climbing and descending aircraft from en route traffic on the main airway between Flint and Windsor. The Department of Transport of the Canadian Government agrees to this proposal and will act to designate the Canadian portion of this east alternate to Victor 42.

If this action is taken, a standard east alternate to VOR Federal airway No. 42 with associated control areas would be designated from Flint, Mich., to Windsor, Ontario.

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, 4825 Troost Avenue, Kansas City 10, Mo. 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, 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 sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on March 16, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–2572; Filed, Mar. 22, 1960; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[643.3]

POULTRY GRIT FROM CANADA

Purchase Price; Foreign Market Value

MARCH 17, 1960.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of poultry grit imported from Canada is less, or likely to be less, than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of poultry grit from Canada pursuant to section 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 60-2595; Filed, Mar. 22, 1960; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 15,1960.

The Federal Aviation Agency has filed an application, Serial Number NM-074638 for the withdrawal of the lands described below, from all forms of appropriation, including the mining and mineral leasing laws. The applicant desires the land for an air to ground communication facility for control of air traffic.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P. O. Box 1251, Santa Fe, New Mexico.

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

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

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 27 S., R. 18 W.,
Sec. 30, S½NW¼SE¼, SW¼NE¼SE¼, W½SE¼SE¼.

The land above aggregates 50 acres.

E. R. SMITH,
State Supervisor.

[F.R. Doc. 60-2591; Filed, Mar. 22, 1960; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 6093 etc.]

REOPENED INTRA-ALASKA CASE

Notice of Prehearing Conference

In the matter of the proceedings reopened in Order E-14786 (King Salmon authorization of Northern Consolidated Airlines) and Order E-15016 (Kodiak Airways, Inc.).

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a prehearing conference in the above-entitled proceeding is assigned to be held on March 24, 1960, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D.C., March 18, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-2601; Filed, Mar. 22, 1960; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13076, 13077; FCC 60M-499]

SUPREME BROADCASTING COMPANY, INC., OF PUERTO RICO AND RADIO AMERICAN WEST INDIES, INC.

Order Continuing Hearing Conference

In re applications of Supreme Broadcasting Company, Inc., of Puerto Rico, Christiansted, St. Croix, Virgin Islands, Docket No. 13076, File No. BPCT-2575; Radio American West Indies, Inc., Christiansted, St. Croix, Virgin Islands, Docket No. 13077, File No. BPCT-2581; for construction permits for new television broadcast stations (Channel 8).

The Hearing Examiner having under consideration a joint motion filed March 11, 1960, on behalf of both of the applicants herein requesting that the prehearing conference now scheduled for March 21, 1960 be continued to May 23, 1960; and

It appearing that the reason for the requested continuance is the fact that both applicants are engaged in negotiations looking toward the possible merger or other resolution of the hearing and additional time is needed by the applicants to reach a basis for agreement; and

It further appearing that counsel for the Broadcast Bureau has given his consent to immediate action on the joint motion, and good cause for the requested continuance having been shown;

It is ordered, This the 16th day of March 1960, that the joint motion for continuance is granted and the prehearing conference in this proceeding now scheduled for March 21, 1960, is continued to May 23, 1960.

Released: March 17, 1960.

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

[F.R. Doc. 60-2604; Filed, Mar. 22, 1960; 8:48 a.m.]

[FCC 60-248]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

MARCH 18, 1960.

Notice is hereby given, pursuant to § 1.354(c) of the Commission's rules, that on April 23, 1960, the standard broadcast applications listed below will be considered as ready and available for processing, and that pursuant to §§ 1.106(b)(1) and 1.361(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than (a) the close of business on April 22, 1960, or (b) if action is taken by the Commission on any listed application prior to April 23, 1960, no later than the close of business on the day preceding the day on which such action is taken, or (c) the day on which a conflicting application was "cut off" because it was timely filed for consideration with an application on a previous such list.

Adopted: March 16, 1960.

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

APPLICATIONS FROM THE TOP OF PROCESSING LINE

BP-12766	NEW Yakima, Wash. M and W Co. Req: 940 kc, 250 w, Day.
BP-12768	NEW Washington, N.C. North Carolina Electronics, Inc. Req: 1320 kc, 500 w, Day.

BP-12744 NEW Smethport, Pa.
Hamlin D. Redfield.
Req: 910 kc, 1 kw, DA, Day.

BP-12775 KGST Fresno, Calif.
Delle Broadcasting Co.
Has: 1600 kc, 1 kw, Day.
Req: 1600 kc, 500 w, 1 kw-LS, U.

BMP-8411 WPLM Plymouth, Mass.
Plymouth Rock Broadcasting Co., Inc.
Has CP: 1390 kc, 5 kw, DA, Day.
Req MP: 1390 kc, 5 kw, DA-2, U.

BP-12781 WTAQ LaGrange, Ill.
S and S Broadcasting Co.
Has: 1300 kc, 500 w, U.
Req: 1300 kc, 500 w, 1 kw-LS, DA-2, U.

BP-12782 KEYJ Jamestown, N. Dak.
James River Broadcasting Co.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-12784 WHSM Hayward, Wis.
WJMC Inc.
Has: 910 kc, 1 kw, Day.
Req: 910 kc, 5 kw, DA, Day.

BP-12787 WLAF LaFollette, Tenn.
LaFollette Broadcasting Co., Inc.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-12788 WSME Sanford, Maine.
York Broadcasting Co.
Has: 1220 kc, 1 kw, Day.
Req: 1340 kc, 250 w, 500 w-LS, U.

BP-12791 KTYM Inglewood, Calif.
Albert John Williams.
Has: 1460 kc, 1 kw, Day.
Req: 1460 kc, 5 kw, DA, Day.

BP-12792 NEW Bridgeport, Ala.
Bridgeport Broadcasting Co.
Req: 1480 kc, 1 kw, Day.

BP-12793 NEW Depew, N.Y.
WEXC, Inc.
Req: 1300 kc, 1 kw, DA, Day.

BP-12795 KWPM West Plains, Mo.
Robert F. Neathery.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-12797 KHUB Fremont, Nebr.
Snyder Enterprises.
Has: 1340 kc, 100 w, U.
Req: 1330 kc, 550 w, Day.

BP-12803 NEW Fountain City, Tenn.
WFCT, Inc.
Req: 1490 kc, 250 w, U.

BP-12804 NEW Aurora, Mo.
Galen O. Gilbert.
Req: 1550 kc, 1 kw, Day.

BP-12805 KTIP Porterville, Calif.
Gateway Broadcasters, Inc.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-12807 NEW Cottonwood, Ariz.
Verde Broadcasting Co.
Req: 1410 kc, 1 kw, Day.

BP-12809 KQDE Seattle, Wash.
Cutie Radio, Inc.
Has: 910 kc, 1 kw, DA-1, U (Renton).
Req: 910 kc, 1 kw, 5 kw-LS, DA-2, (Seattle).

BP-12810 NEW Louisville, Ga.
Peach Broadcasting Co., Inc.
Req: 1420 kc, 1 kw, Day.

BP-12813 NEW Caldwell, Idaho.
Christian Broadcasting Co. of Idaho.
Req: 910 kc, 1 kw, Day.

BP-12816 KCLX Colfax, Wash.
Adrian DeVries.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-12817 KUKU Willow Springs, Mo.
Radio Station KUKU.
Has: 1330 kc, 500 w, Day.
Req: 1330 kc, 1 kw, Day.

BP-12818 NEW Pendleton, Oreg.
E. J. Van Scyoc.
Req: 1600 kc, 5 kw, Day.

BP-12820 WGPC Albany, Ga.
Albany Broadcasting Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-12822 NEW Belen, N. Mex.
Carter M. Waid.
Req: 860 kc, 250 w, Day.

BP-12823 KXLK Great Falls, Mont.
Pat M. Goodover.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-12824 NEW Jefferson City, Tenn.
The Jefferson County Broadcasting Co.
Req: 1480 kc, 500 w, Day.

BP-12827 WNEG Toccoa, Ga.
Stephens County Broadcasting Co.
Has: 1320 kc, 1 kw, Day.
Req: 630 kc, 500 w, Day.

BP-12828 NEW Eureka, Calif.
Jesse Frank Carter.
Req: 1600 kc, 1 kw, Day.

BP-12830 NEW Buckhannon, W. Va.
Hilleary Andrew.
Req: 1380 kc, 1 kw, Day.

BP-12832 NEW Yakima, Wash.
Bethany Broadcasting Co.
Req: 930 kc, 1 kw, Day.

BP-12837 NEW North Atlanta, Ga.
North Atlanta Broadcasting Co.
Req: 680 kc, 5 kw, DA-1, U.

BP-12838 WJOI Florence, Ala.
Florence Broadcasting Co., Inc.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-12840 NEW Glennville, Ga.
Tattnall County Broadcasting Co.
Req: 1580 kc, 1 kw, Day.

BP-12845 NEW Ocilla, Ga.
Ocilla Broadcasting System.
Req: 1380 kc, 5 kw, Day.

BP-12847 KAJO Grants Pass, Oreg.
Grants Pass Broadcasting Co.
Has: 1270 kc, 1 kw, Day.
Req: 1270 kc, 5 kw, Day.

BP-12849 KFLW Klamath Falls, Oreg.
Stulor Corp.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-12850 KTHE Thermopolis, Wyo.
Big Horn Basin Broadcasting Co., Inc.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-12852 KBRO Bremerton, Wash.
Bremerton Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-12854 KVCK Wolf Point, Mont.
Hi-Line Broadcasting Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

APPLICATIONS ON WHICH 309(b) LETTERS HAVE BEEN ISSUED

BP-12683 KDOV Medford, Oreg.
Medford Broadcasters, Inc.
Has: 1300 kc, 5 kw, Day.
Req: 580 kc, 5 kw, DA, Day.

BP-12776 NEW Union Springs, Ala.
E. H. Eiland, Jr.
Req: 1410 kc, 500 w, Day.

BP-12806 WELL Battle Creek, Mich.
Southern Michigan Broadcasting Corp.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BMP-8430 WLAV Grand Rapids, Mich.
Stevens-Wismer Broadcasting, Inc.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-12829 NEW Princeton, N.J.
The New Jersey Broadcasting Co.
Req: 1350 kc, 5 kw, DA-2, U.

BP-12834 WSAM Saginaw, Mich.
Knorr Broadcasting Corp.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-12842 WTRC Elkhart, Ind.
Truth Radio Corp.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-12844 KAYE Puyallup, Wash.
Henry Perozzo.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

APPLICATION DELETED FROM PUBLIC NOTICE OF FEBRUARY 18, 1960 (FCC 60-149) (25 F.R. 1597)

BP-12671 NEW St. Petersburg, Fla.
Skyway Broadcasting Corp.
Req: 800 kc, 1 kw, Day.
(In pending file re inconsistency with Mexican Agreement.)

APPLICATION DELETED FROM PUBLIC NOTICE OF JANUARY 21, 1960 (FCC 60-52) (25 F.R. 663)

BP-12596 NEW Palm Desert, Calif.
Palm Desert Broadcasting Co.
Req: 1270 kc, 500 w, Day.
(In pending file re inconsistency with Mexican Agreement.)

APPLICATION DELETED FROM PUBLIC NOTICE OF NOVEMBER 13, 1959 (FCC 59-1146) (24 F.R. 9317)

BP-12399 NEW Brunswick, Ga.
Dixie Radio, Inc.
Req: 1550 kc, 1 kw, Day.
(Assigned new file number BP-13854.)

[F.R. Doc. 60-2605; Filed, Mar. 22, 1960; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 281]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 18, 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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 62590. By order of March 15, 1960, Division 4, voted to approve the transfer to Kelly Transportation Company, Inc., Sumter, S.C., of a portion of Certificate No. MC 107816, issued September 9, 1956, to Coker Freight Lines, Inc., Sumter, S.C., authorizing the transportation of: Alcohol and chemicals, from Wilmington, Del., to Sumter, S.C.; Coin operated electric phonographs, from North Tonawanda, N.Y., to Spartanburg and Sumter, S.C.; doors, from Sumter, S.C., to points in Florida, except Jacksonville; Excelsior or macerated or shredded paper packing pads, cushions, or mats, from Hillside, N.J., to Sumter, S.C.; fruits and vegetables, in

tin or glass containers, from Bellona, Hall and New York, N.Y., Houston and Wyoming, Del., to points in South Carolina; furniture finishing materials, from Brooklyn and Long Island City, N.Y., to Sumter, S.C.; New furniture, from Bennettsville, S.C., to points in Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, from Fairfax, S.C., to points in Connecticut, Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, from Florence, S.C., to points in Maryland, New York, Virginia, and the District of Columbia, from Jacksonville, Fla., to Chicago, Ill., Kansas City, Kans., Louisville, Ky., Boston, Mass., Detroit, Mich., Minneapolis, Minn., St. Louis, Mo., Cleveland, Columbus, and Cincinnati, Ohio, and points in Connecticut, Delaware, New Jersey, Pennsylvania and New York (except those in the Philadelphia, Pa., Commercial Zone and those in the New York, N.Y., Commercial Zone), from Mullins, S.C., to points in New Jersey, New York, and Pennsylvania, from Sumter, S.C., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, points in North Carolina as designated and the District of Columbia; new furniture, uncrated, from Jacksonville, Fla., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Rhode Island, Tennessee, Texas, Virginia, Wisconsin, those in the New York, N.Y., Commercial Zone and the Philadelphia, Pa., Commercial Zone and the District of Columbia; used furniture, from Newark, N.J., to points in South Carolina, from New York, N.Y., to Richmond, Va., Raleigh, N.C., and points in South Carolina, from points in the New York, N.Y., Commercial Zone and the Philadelphia, Pa., Commercial Zone, to Goldsboro, Lumberton, Tabor City, Whiteville and Wilmington, N.C., Abbeville, Charleston, Darlington, Dillion, Hartsville, Lake City, Leesville, Mullins, Summerton, Sumter and Walterboro, S.C., and points in Florida and Georgia, from Rochester, N.Y., and Williamsport, Pa., to Columbia, S.C., from points in the Philadelphia, Pa., Commercial Zone, to Laurens, S.C.; gum shellac, from New York, N.Y., to Sumter, S.C.; Insulating materials, from Netcong, N.J., to points in North Carolina and points in South Carolina and Virginia as specified; kitchen cabinets, set up, and kitchen sinks, from Bennettsville, S.C., to points in Connecticut, Delaware, Florida, Georgia, Maryland (except Baltimore), New Jersey (except Bridgeton), New York, North Carolina (except Raleigh), Rhode Island, and points in Pennsylvania and Virginia, as specified; live and dressed poultry, from points in Clarendon, Florence, Kershaw, Lee, Richland, Sumter and York Counties, S.C., to points in Delaware, Florida, Georgia, New Jersey, New York, Tennessee, and the District of Columbia, as excepted; empty containers for live and dressed poultry, from the destination points specified above to the origin points named; malt beverages, from Rochester and New York, N.Y., Jersey City and Newark, N.J., and Washington, D.C., to Wadesboro, N.C., and Bennettsville, Columbia, Florence, Orangeburg, Rock Hill and Sumter, S.C.; packing pads, From Hillside, N.J., to points in Florida, Georgia, North Carolina and South Carolina; paprika, from Dillion, S.C., to New York, N.Y.; petroleum products, in containers, from Sewaren, N.J., and Marcus Hook, Pa., to points in South Carolina, as excepted; plumbing supplies, from Trenton, N.J., to Sumter, S.C.; roofing, from Bound Brook, East Rutherford, Elizabeth, Manville, Morrow and Rutherford, N.J., to Sumter, S.C.; roofing and siding, and materials and supplies required to lay such roofing and siding, from Manville, N.J., to points in South Carolina; new waste baskets, from Sumter, S.C., to points in the New York, N.Y., Commercial Zone; and wood veneer, from Sumter, S.C., to points in Delaware, Maryland (except Baltimore), New Jersey (except Bridgeton), New York, and points in Pennsylvania, Virginia, and North Carolina, as specified, and the District of Columbia. Joseph G. Dail, Jr., 2001 Massachusetts Avenue NW., Washington, D.C., for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-2582; Filed, Mar. 22, 1960; 8:46 a.m.]

[No. MC-C-2806]

DIRECT TRANSPORT CO., INC.

Petition for Declaratory Order or Clarifying Interpretation of Application of Interstate Commerce Act

MARCH 18, 1960.

Petitioner's attorney: K. Harlan Dodson, Jr., 1106 Nashville Trust Building, Nashville 3, Tenn. Petitioner advises that it is a common carrier of petroleum products, in bulk, in tank vehicles, duly certificated by the Tennessee Public Service Commission to transport petroleum products in bulk, in tank vehicles, moving in intrastate commerce, among other points, from Nashville, Tenn., to points along Alternate U.S. Highway 41, including Clarksville, Tenn., and environs. Petitioner does not hold interstate authority from this Commission. One of the services performed by petitioner is the movement of petroleum products, in bulk, in tank vehicles, from Nashville, Tenn., along Alternate U.S. Highway 41 to the Tennessee gate of Fort Campbell, a U.S. Army installation, at which point the vehicles leave the public highways and enter the military post of Fort Campbell. Within the installation delivery is as directed by an authorized agent of the consignee. Petitioner asserts that it has been advised by officials at Fort Campbell that the accomplishment of the ultimate delivery does not involve a crossing of the Kentucky-Tennessee State line although the military installation is situated partly within Kentucky and Tennessee. Petitioner requests that the Commission issue a declaratory order so as to remove uncertainty or for the purpose of clarification of the question as to whether the transportation here involved requires any authority from this Commission. Petitioner further requests that an order be entered to the effect that delivery to an Army post through a gate located in one state to a point in that same state does not constitute interstate commerce within the meaning of the Interstate Commerce Act regardless as to wherein such installation ultimate delivery is made. Any person or persons desiring to participate in this proceeding may make representations for or against the action requested by petitioner within 30 days from this publication in the FEDERAL REGISTER, by addressing same to the Secretary, Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-2583; Filed, Mar. 22, 1960; 8:46 a.m.]

PROCEEDING UNDER SECTION 7 OF TRANSPORTATION ACT, 1958

MARCH 18, 1960.

No. MC 118018, filed December 9, 1958, originally published in the FEDERAL REGISTER, issue of June 10, 1959.

Applicant: HELEN ALOI AND MABEL EMMANUEL, Doing business as A & E PRODUCE HAULERS, 213 Roe Avenue, Elmira, N.Y. Applicant's attorney: William T. Croft, Wrape and Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought under section 7 of the Transportation Act of 1958 to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., Brooklyn and New York, N.Y., Charleston, S.C., Philadelphia, Pa., Port Newark and Weehawken, N.J., to points in Broome, Cattaraugus, Chautauqua, Chemung, Erie, Monroe, Onondaga, Tioga, and Wayne Counties, N.Y. The above-entitled application was executed on Form BOR-2 covering "Interim" operations instituted subsequent to May 1, 1958, but on or before August 12, 1958. Under date of December 16, 1959, applicant's attorney petitioned the Commission for (1) the entry of an order waiving applicants' use of the wrong form and directing consideration of the application as a "grandfather" clause application or alternatively a grant of leave to applicants with benefit of the original filing date to amend the form (but not the scope, either commodity-wise or territorially) of their application so as to seek "grandfather" rather than interim operating authority and (2) a further hearing at which applicants will be allowed at a place convenient to them, preferably Elmira, N.Y., to produce such additional proof as they have to support their application, whatever its form, at that time. Rail carriers replied to the petition on January 5, 1960, and the following order of Division 1, which is self-explanatory, was entered in the subject proceeding under date of February 19, 1960:

ORDER

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 19th day of February A.D. 1960.

[No. MC 118018]

HELEN ALOI AND MABEL EMMANUEL, DOING BUSINESS AS A & E PRODUCE HAULERS (ELMIRA, N.Y.)

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition of applicants, dated December 16, 1959, for leave to amend application, and for further hearing;

(2) Joint reply by the New York Central Railroad Company, The Pennsylvania Railroad Company, and the Baltimore & Ohio Railroad Company, protestants, dated December 30, 1959;

and good cause appearing therefor:

It is ordered, That the application Form B.O.R. 2 filed erroneously in this proceeding be, and it is hereby, accepted and filed as a Form B.O.R. 1;

It is further ordered, That the proceeding (application) as modified in the preceding paragraph be, and it is hereby reopened for further hearing, at a time and place to be later fixed.

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-2584; Filed, Mar. 22, 1960; 8:46 a.m.]

[Notice 118]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 18, 1960.

The following letter-notices of proposals to operate over deviation route 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)).

Protest 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 28322 (Deviation No. 1) SALT LAKE-KANAB FREIGHT LINE, INC. 350 South First West Street, Salt Lake City, Utah, filed March 7, 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 Congress Junction, Arizona over Arizona Highway 93 to Kingman, Ariz., thence over U.S. Highway 466 to Las Vegas, Nev., thence over combined U.S. Highways 91 and 93 to Glendale, Nev., thence over U.S. Highway 91 to Levan, Utah, 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 Levan, Utah, over Utah Highway 28 to Gunnison, Utah, thence over U.S. Highway 89 to Flagstaff, Ariz., thence over U.S. Highway 89 via Williams, Ash Fork, and Prescott, Ariz., to Congress Junction, and return over the same route.

No. MC 29555 (Deviation No. 2) BRIGGS TRANSPORTATION CO. INC., 2360 West County Road D, St. Paul 13, Minnesota, filed February 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 U.S. 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 the deviation points over U.S. Highway 12.

No. MC 29988 (Deviation No. 4), DENVER-CHICAGO TRUCKING COMPANY, INC., 45th and Jackson Streets, Denver, Colorado, filed March 3, 1960. Attorney Edward G. Bazelon, 39 South La Salle Street, Chicago 3, 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 Chicago, Ill., over Illinois Highway 1 to junction Illinois Highway 83 at or near Harvey, Ill., thence over Illinois Highway 83 to junction U.S. Highway 6 at or near South Holland, Ill., thence over U.S. Highway 6 to Freemont, 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 20 to junction U.S. Highway 62 approximately 4 miles north of Hamburg, N.Y., thence over U.S. Highway 62 to Buffalo, N.Y., thence over New York Highway 130 to junction U.S. Highway 20, thence over U.S. Highway 20 via Avon, Auburn, and Lafayette, N.Y., to Albany, N.Y. (also from Buffalo over New York Highway 5 to Albany), and thence over U.S. Highway 9 (also over U.S. Highway 9W) to New York City and return over the same route.

No. MC 48958 (Deviation No. 2) ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colorado, filed March 7, 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 Omaha, Nebr., over Interstate Highway 80 to junction U.S. Highway 6 about 3 miles south of Gretna, Nebr., 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 Lincoln, Nebr., over U.S. Highway 6, to Harvey, Ill., thence over Illinois Highway 1 to Chicago, Ill. (also from Harvey over U.S. Highway 6 to junction Alternate U.S. Highway 30, and thence over Alternate U.S. Highway 30 to Chicago), and return over the same route.

No. MC 52958 (Deviation No. 2) HENNEPIN TRANSPORTATION CO. INC., 23 Northeast Fourth Street, Minneapolis 13, Minn., filed March 10, 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 Wisconsin Dells, Wis., over Wisconsin Highway 13 to junction Wisconsin Highway 82, and thence over Wisconsin Highway 82 to Mauston, 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 the named deviation points over U.S. Highway 12.

No. MC 58177 (Sub No. 1) (Deviation No. 1) SOUTHERN COACH COMPANY, 1300 East Pettigrew Street, Durham, N.C., filed March 7, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle, of passengers, over a deviation route as follows: From Durham over U.S. Highway 70 to Raleigh 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 passengers over a pertinent service route as follows: From Durham over North Carolina Highway 55 to Holly Springs, N.C., and thence over unnumbered highway to Raleigh, and return over the same route.

No. MC 76266 (Deviation No. 4) MERCHANTS MOTOR FREIGHT INC., 2625 Territorial Road, St. Paul 14, Minn., filed March 9, 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 over pertinent service routes as follows: From Chicago over U.S. Highway 14 to Madison, Wis., thence over U.S. Highway 10 to La Crosse, Wis., thence over U.S. Highway 61 to Hastings, Minn., and thence over Minnesota Highway 55 to Minneapolis; from St. Paul, Minn., over U.S. Highway 12, to Tomah, Wis., and return over the same routes.

No. MC 108586 (Deviation No. 1) STEFFKE FREIGHT CO., Box 990, Wausau, Wisconsin, filed March 7, 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 the same points over U.S. Highway 12.

No. MC 109780 (Deviation No. 4) TRANSCONTINENTAL BUS SYSTEM INC., P.O. Box 730, Wichita 1, Kansas, filed March 7, 1960. Attorney Alfred Crager, 315 Continental Avenue, Dallas, Texas. Carrier proposes to operate as a *common carrier*, by motor vehicle, of passengers over a deviation route, as follows: From Devore, Calif., over a freeway designated as U.S. Highway 66–395–91 to its junction with U.S. Highway 395 northeast of Riverside, Calif., 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 the deviation points over U.S. Highways 395 and 66, also from Victorville over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 to San Bernardino, Calif., thence over U.S. Highway 395 to Riverside, Calif., and thence over U.S. Highway 60 to Los Angeles, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–2581; Filed, Mar. 22, 1960; 8:46 a.m.]

[Notice 315]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 18, 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 passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

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

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 603 (Sub No. 16), filed January 20, 1960. Applicant: T. R. SHUMPERT, doing business as SHUMPERT TRUCK LINE, Amory, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. 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 Gattman, Miss., as an intermediate point in connection with applicant's authorized regular route operation between Amory, Miss., and Aliceville, Ala.

HEARING: May 4, 1960, at the Robert E. Lee Hotel, Jackson, Mississippi, before Joint Board No. 97.

No. MC 665 (Sub No. 61), filed November 6, 1959. Applicant: MISSOURI-ARKANSAS TRANSPORTATION COMPANY, a Corporation, 1505 Maiden Lane, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except commodities of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kansas City, Mo., and Wichita, Kans., from Kansas City over city streets to Kansas City, Kans., thence over the Kansas Turnpike to Wichita, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, and Oklahoma.

HEARING: May 24, 1960, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 1124 (Sub No. 164), filed December 10, 1959. Applicant: HERRIN TRANSPORTATION COMPANY, a CORPORATION, 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, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading, (1) between Merryville, La., and Longville, La., from Merryville over Louisiana State Highway 110 to Longville; and (2) between Merryville, La., and Sulphur, La., from Merryville over Louisiana State Highway 110 to Singer, thence over Louisiana State Highway 27 to Sulphur, serving no intermediate or off-route points, as alternate routes for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Louisiana, Oklahoma, Tennessee, and Texas.

HEARING: May 11, 1960, at the Federal Office Building, 600 South Street, New Orleans, Louisiana, before Joint Board No. 164.

No. MC 1184 (Sub No. 18), filed February 1, 1960. Applicant: GEORGE F. BURNETT COMPANY, INC., 20450 West Ireland Road, P. O. Box 2538, South Bend, Ind. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in secondary movements, by truckaway, from Muskegon, Mich., to South Bend, Ind.

HEARING: May 17, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 23.

No. MC 1942 (Sub No. 6), filed February 23, 1960. Applicant: MARVIN STROBEL AND MERRITT McDONALD, doing business as RICHMOND TRUCK LINE, Richmond, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, in bulk and in sacks, from site of Cooperative Refinery at Horn, Mo., to Richmond, Kans., and points within 20 miles of Richmond, Kans.

HEARING: May 24, 1960, at the Hotel Kansas, Topeka, Kans., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 2202 (Sub No. 181), filed December 18, 1959. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron, Ohio. Applicant's attorney: Frederick A. Babson, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except commodities 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 Helena and West Helena, Ark., as off-route points in connection with applicant's authorized regular-route operations between Memphis, Tenn., and Greenville, Ark., over U.S. Highway 61. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Common control may be involved.

HEARING: May 16, 1960, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 215.

No. MC 4405 (Sub No. 347), filed February 29, 1960. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, Semi-Trailers, Trailer Chassis and Semi-Trailer Chassis*, other than those designed to be drawn by passenger automobiles, in Initial Truckaway Service from Augusta, Kans., to points in Alaska, Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, and *defective, damaged or wrecked shipments* of the commodities specified on return.

HEARING: May 19, 1960, in Room 712, Federal Building, Cincinnati, before Examiner Warren C. White.

No. MC 4405 (Sub No. 348), filed February 29, 1960. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, Semi-Trailers, Trailer Chassis and Semi-Tailer Chassis*, other than those designed to be drawn by pas-

senger automobiles, in Initial Truckaway Service, from Minden, La., to all points in the United States, including Alaska, but excluding Hawaii, and rejected or damaged shipments of the commodities specified on return.

HEARING: May 19, 1960, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Warren C. White.

No. MC 4405 (Sub No. 349), filed February 29, 1960. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Trailers, semi-trailers Trailers Chassis and Semi-Trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial movements, by truckaway and driveaway service, from Fremont, Calif., to points in Alaska, California, Washington, Oregon, Wyoming, Idaho, Montana, Utah, Colorado, Nevada, Arizona, Texas, and New Mexico and *Tractors*, other than farm tractors, in Secondary Driveaway movements, only when drawing trailers moving in initial driveaway movements, from Fremont, Calif., to points in the States of Alaska, Arizona, Nevada, and Oregon, and *Defective, damaged or wrecked shipments* of the commodities specified on return.

HEARING: May 19, 1960, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Warren C. White.

No. MC 4405 (Sub No. 351), filed February 29, 1960. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, Semi-Trailers, Trailer Chassis and Semi-Trailer Chassis*, other than those designed to be drawn by passenger automobiles, in Initial Truckaway Service, from St. Louis, Mo., to all points in the United States, including Alaska, but excluding Hawaii, and *rejected shipments* of the commodities specified on return.

HEARING: May 19, 1960, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Warren C. White.

No. MC 4405 (Sub No. 352), filed February 29, 1960. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, Semi-Trailers, Trailer Chassis and Semi-Trailer Chassis*, other than those designed to be drawn by passenger automobiles, in Initial Truckaway Service, from Springfield, Mo., to all points in the United States, including Alaska, but excluding Hawaii, and *rejected or damaged shipments* of the commodities specified on return.

HEARING: May 19, 1960, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Warren C. White.

No. MC 8989 (Sub No. 187), filed March 7, 1960. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, Mich. Applicant's attorney: Albert F. Beasley, Investment Building, 15th and K Streets NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, truck tractors, chassis* and *station wagon type vehicles* on truck chassis, designed to transport passengers and property with or without bodies and *parts* thereof, in initial movement in driveaway and truckaway service, from Butler, Ind., to points in the United States, including Alaska.

HEARING: May 5, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold W. Angle.

No. MC 16007 (Sub No. 24), filed November 20, 1959. Applicant: CONTRACT FREIGHTERS, INC., a Corporation, 3105 East Seventh Street, Joplin, Mo. Authority sought to operate as a *common or contract* carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo., to points in Kansas located on and south of a line extending from the Missouri-Kansas state line along U.S. Highway 54 to Wichita; thence on and east of U.S. Highway 81 to the Kansas-Oklahoma state line, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 16007 Sub 18.

HEARING: May 25, 1960, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 195, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 19227 (Sub No. 71), filed February 9, 1960. Applicant: LEONARD BROS. TRANSFER & STORAGE CO., INC., 2595 Northwest 20th Street, Miami, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tire recapping machinery*, and *parts* thereof, from points in San Joaquin County, Calif., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Virginia, and *returned shipments* of the above-described commodities, for repair or trade, on return.

HEARING: May 18, 1960, at New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner J. Thomas Schneider.

No. MC 27144 (Sub No. 3), filed February 4, 1960. Applicant: MASSELINK BROTHERS TRUCKING SERVICE, INC., 136 Ottawa SW., Grand Rapids, Mich. Applicant's attorney: James W. Williams, Hollister Building, Lansing 8, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including *articles of unusual value, household goods as defined by the Commission, commodities in bulk*, and *those requiring special equipment*, but excluding Classes A and B explosives, between Grand Rapids, Mich., on the one hand, and, on the other, points in Ingham and Osceola Counties, Mich. RESTRICTIONS: (a) The service by motor vehicle to be performed by carrier shall be limited to service which is auxiliary to or supplemental of rail service of the Chesapeake and Ohio Railway Company; (b) Carrier shall not serve any point not a station on the rail line of the railroad; (c) All shipments transported by carrier shall move on a through bill of lading involving in addition to the motor carrier movement by carrier, an immediately prior or subsequent movement by rail; (d) All contractual arrangements between carrier and the railroad shall be reported to the Commission and shall be subject to revision, if and when it is found to be necessary in order that such arrangements shall be fair and equitable to the parties; and (e) Such further conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operations to service which is auxiliary to, or supplemental of, rail service.

HEARING: May 20, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 28990 (Sub No. 5) filed February 29, 1960. Applicant: SEYMOUR TRANSFER LINES, INC., 140 East Wisconsin Avenue, Seymour, Wis. Applicant's attorney: Claude J. Jasper, 110 East Main Street, Madison 3, Wis. 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 Iola, Wis., and junction Wisconsin Highway 161 and U.S. Highway 10, over Wisconsin Highway 161, serving all intermediate points; (2) between Waupaca, Wis., and Stevens Point, Wis., over U.S. Highway 10, serving all intermediate points; and (3) between Stevens Point, Wis., and Waupaca, Wis., from Stevens Point over U.S. Highway 51 to junction Wisconsin Highway 54, thence over Wisconsin Highway 54 to Waupaca, and return over the same route, serving all intermediate points.

NOTE: Duplication with present authority to be eliminated.

HEARING: May 23, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 29736 (Sub No. 9), filed January 11, 1960. Applicant: DAVID PATRICK JOHNSON & CORINNE JOHNSON, doing business as JOHNSON TRUCKING COMPANY, P.O. Box 921, Pinedale, Wyo. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, rough and dressed, between points in Wyoming and Nebraska, and *exempt commodities* on return.

HEARING: May 11, 1960, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyoming, before Joint Board No. 44, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 30837 (Sub No. 270), filed November 30, 1959. Applicant: KENOSHA AUTO TRANSPORT CORP., 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Turret derricks*, from Denver, Colo., to points in the United States, except those in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Texas, Utah, and Wyoming. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 17, 1960, at the New Customs House, Denver, Colo., before Examiner Jerry F. Laughlin.

No. MC 31220 (Sub No. 19) (CLARIFICATION), filed December 21, 1959, published in December 21, 1959 issue of FEDERAL REGISTER. Applicant: DANIELS MOTOR FREIGHT, INC., Niles Road Extension, P.O. Box 1151, Warren, 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. Applicant seeks the right to *change* its operations so as to utilize routes through Canada as already granted by Ontario Highway Transport Board *exclusively in operations presently authorized* in the transportation of: *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 points in Michigan, on the one hand, and, on the other, Ports of Entry at Detroit and Port Huron, Mich.; and (2) between points in that part of New York east of a line extending along New York Highway 18 from the shore of Lake Erie to Rochester, thence along U.S. Highway 15 to Lakeville, thence along Alternate U.S. Highway 20 to Leicester, thence along New York Highway 36 to Mt. Morris, thence along New York Highway 408 to junction New York Highway 16 near Hinsdale, thence along New York Highway 16 to Olean, and thence along New York Highway 16–A to the New York-Pennsylvania State line, on the one hand, and, on the other, Ports of Entry at Niagara Falls and Buffalo, N.Y.

HEARING: Remains as assigned, April 6, 1960, at the New Post Office Building, Columbus, Ohio, before Examiner Isadore Freidson.

No. MC 33956 (Sub No. 1), filed November 23, 1959. Applicant: THE UNION OIL MILL, INC., P.O. Box 97, West Monroe, La. Applicant's attorney: Earl Edwards, Laborde Building, Marksville, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Beans, cotton, cottonseed,* and *agricultural products manufactured therefrom, commercial fertilizer,* and *unmanufactured agricultural products,* (1) between Sterlington, La., and Bunkie, La., from Sterlington over Louisiana Highway 143 to junction U.S. Highway 165, thence over U.S. Highway 165, through Monroe, La., to Alexandria, La., thence over U.S. Highway 71 to Bunkie, and return over the same route, serving the intermediate point of Monroe, La., and the off-route point of West Monroe, La. (2) Between West Monroe, La., and Jackson, Miss., from West Monroe over U.S. Highway 80 through Vicksburg, Miss., to Jackson, Miss., and return over the same route, serving the intermediate point of Monroe, La. (3) Between Vicksburg, Miss., and junction Louisiana Highway 8 and U.S. Highway 165, from Vicksburg over U.S. Highway 61, through Port Gibson, Miss., to junction U.S. Highway 65, at Natchez, Miss., thence over U.S. Highway 65 to junction U.S. Highway 84, at Ferriday, La., thence over U.S. Highway 84, through Jonesville, La., to junction Louisiana Highway 8, thence over Louisiana Highway 8, through Fishville, La., to junction U.S. Highway 165, and return over the same route, serving no intermediate points.

NOTE: With regard to the intermediate and off-route points service, applicant states in the application: "Stops for loading and/or unloading will be at the following points only: Sterlington, West Monroe, and Bunkie, La., and Jackson, Miss." In Item IV of the application applicant states in most cases unmanufactured agricultural products will be transported one way and manufactured agricultural products on return trip; all commodities to be shipped are commodities which are manufactured and/or sold by applicant.

HEARING: May 12, 1960, at the Federal Office Building, 600 South Street, New Orleans, Louisiana, before Joint Board No. 32.

No. MC 35320 (Sub No. 71), filed February 1, 1960. Applicant: T.I.M.E. INC. 2604 Texas Avenue, P.O. Box 1120, Lubbock, Tex. Applicant's attorney: W. D. Benson, Jr., P.O. Box 1120, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except household goods, between Springfield, Mo., and Memphis, Tenn.: from Springfield over U.S. Highway 60 to junction U.S. Highway 63 near Cabool, Mo., and thence over U.S. Highway 63 to Memphis, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized operations from Springfield, Mo., via Little Rock, Ark., to Memphis, Tenn.

NOTE: Applicant states that by this application it does not seek to serve any point it is not now authorized to serve, nor transport any commodities it is not now authorized to transport between the two points involved.

HEARING: May 3, 1960, at the Claridge Hotel, Memphis, Tennessee, before Joint Board No. 247.

No. MC 37490 (Sub No. 4), filed February 19, 1960. Applicant: KENNETH G. DUNCAN, WILLIAM J. DUNCAN, AND LLOYD G. DUNCAN, doing business as DUNCAN TRUCK SERVICE, Flandreau, S. Dak. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. 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 good as defined by the Commission, commodities in bulk, and those requiring special equipment, Between Gaylord, Minn., and junction U.S. Highway 212 and Minnesota Highway 5, over Minnesota Highway 5, serving no intermediate points, but serving Gaylord, Minn., and junction U.S. Highway 212 and Minnesota Highway 5 for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

HEARING: May 31, 1960, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Joint Board No. 145.

No. MC 42487 (Sub No. 447), filed February 18, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Wyman C. Knapp, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten maleic anhydride*, from Richmond, Calif., to Oak Point, La., and Perry, Ohio.

HEARING: May 18, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner J. Thomas Schneider.

No. MC 42487 (Sub No. 450), filed February 23, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORP., 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Ronald E. Poelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, lime and plaster, limestone, concrete mix*, dry, *mortar*, dry, in bags, and in bulk, from Gray Rocks, Calif. located approximately 12 miles north of Redding, Calif., on U.S. Highway 99, to points in Oregon.

HEARING: May 17, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 11, or, if the Joint Board waives its right to participate before Examiner J. Thomas Schneider.

No. MC 44300 (Sub No. 7), filed February 18, 1960. Applicant: HESS CARTAGE CO., 17065 Hess Avenue, Melvindale, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk tank equipment, (1) from points in Monroe County, Mich., to Chicago, Ill., and points in that part of Illinois lying on and north of U.S. Highway 24, thence westerly along U.S. Highway 24 from the Illinois-Indiana State line to junction with U.S. Highway 51, and on and east of U.S. Highway 51 continuing northerly along U.S. Highway 51 to the Illinois-Wisconsin State line; (2) from the plant site of Dundee Cement Company at Chicago, Ill., to

points in Michigan and Indiana; (3) between points in Monroe County, Mich., on the one hand, and, on the other, points in Wayne and Monroe Counties, Mich.

HEARING: May 18, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 73.

No. MC 46737 (Sub No. 36), filed February 18, 1960. Applicant: GEO. F. ALGER CO., a Corporation, 3050 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk tank equipment, (1) from points in Monroe County, Mich., to Chicago, Ill. and points in that part of Illinois lying on and north of U.S. Highway 24, thence westerly along U.S. Highway 24 from the Illinois-Indiana State line to junction with U.S. Highway 51, and on and east of U.S. Highway 51 continuing northerly along U.S. Highway 51 to the Illinois-Wisconsin State line; (2) from the plant site of Dundee Cement Company at Chicago, Ill., to points in Michigan and Indiana; (3) between points in Monroe County, Mich., on the one hand, and, on the other, points in Wayne and Monroe Counties, Mich.

HEARING: May 18, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 73.

No. MC 48213 (Sub No. 21), filed February 12, 1960. Applicant: C. E. LIZZA, INC., First National Bank Building, Ligonier and Depot Street, Latrobe, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 18, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Explosives, blasting supplies, ammonium nitrate* and *nitro-carbo-nitrate*, from the plant sites or magazines of American Cyanamid Company at or near Coverts and Latrobe, Pa., to points in Arizona, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, North Dakota, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming. *Returned or damaged shipments* of the above-described commodities, and *empty containers or other articles* used in the above transportation, from points in the above-specified States to sites of the plants or magazines of American Cyanamid Company at or near Coverts and Latrobe, Pa. (2) *Raw materials, equipment, supplies* and *other materials* used or useful in the the manufacture or distribution of explosives, blasting supplies, materials and agents, and the component parts thereof, ammonium nitrate, nitro-carbo-nitrate, and equipment incidental to the use thereof, from points in Arizona, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, North Dakota, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming to plant sites or magazines of American Cyanamid Company at or near Coverts and Latrobe, Pa. *Returned or damaged shipments* of the above-described commodities, and *empty containers or other articles* used in the transportation of such commodities, from the sites of the plants or magazines of American Cyanamid Company, at or near Coverts and Latrobe, Pa., to points in the above-named origin States. RESTRICTION: The above-described operations are limited to a transportation service to be performed, under a continuing contract or contracts, with American Cyanamid Company, of New York, N.Y.

HEARING: May 5, 1960, at the New Federal Building, Pittsburgh, Pennsylvania, before Examiner Alfred B. Hurley.

No. MC 50002 (Sub No. 33), filed February 12, 1960. Applicant: T. CLARENCE BRIDGE AND HENRY W. BRIDGE, doing business as BRIDGE BROTHERS, Bridge Street and Anderson Road, P.O. Box 588, Lemar, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver 20, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum*, in bulk, in tank vehicles, from points in that part of Colorado bounded on the north by U.S. Highway 34 from the Colorado-Nebraska State line extending westerly to junction with Colorado Highway 71 at or near Brush, Colo.; on the west by Colorado Highway 71, thence southerly along Colorado Highway 71 to junction with U.S. Highway 24, at or near Limon, Colo., thence southwesterly along U.S. Highway 24 to junction with the combined U.S. Highways 85 and 87, at or near Colorado Springs, Colo., thence southerly along combined U.S. Highway 85 and 87, through Pueblo and Trinidad, Colo., to the Colorado-New Mexico State line; on the south by the Colorado-New Mexico State line; and on the east by the Colorado-Kansas State line and the Colorado-Nebraska State line to point of beginning, including points on said boundary lines, to points in Kansas. (2) *Liquefied petroleum gases*, in bulk, in tank vehicles from points in that part of Texas on and north of U.S. Highway 66, points in that part of Oklahoma on and north of U.S. Highway 66, on and west of U.S. Highway 183, points in Kansas on and west of Kansas Highway 14, and Conway, Kans., and points within a radius of 10 miles of Conway, Kans., to points in that part of Nebraska on and west of U.S. Highway 281 from the Kansas-Nebraska State line to the junction of that highway and Nebraska Highway 2 (at or near Grand Island, Nebr.) and on, south, and west of Nebraska Highway 2 from that junction via Alliance and Crawford, Nebr., to the Nebraska-South Dakota State line.

HEARING: May 23, 1960, at the Hotel Kansan, Topeka, Kans., before Examiner Parks M. Low.

No. MC 50069 (Sub No. 222), filed February 2, 1960. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Jackson Mich., to points in Ohio.

HEARING: May 19, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 57.

No. MC 50069 (Sub No. 224), filed March 3, 1960. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum*, and *Petroleum products*, in bulk, in tank vehicles, from Rapid River, Mich., and points within two miles thereof, to points in Wisconsin.

HEARING: May 12, 1960, at the Federal Building, Detroit, Michigan, before Examiner Alfred B. Hurley.

No. MC 52729 (Sub No. 18), filed March 1, 1960. Applicant: FRANK FIOROT, THOMAS J. WATERS AND MERLIN G. TUCKER, doing business as FIOROT TRUCKING, Box 43, Pen Argyl, Pa. Applicant's attorney: William J. Wilcox, 624 Commonwealth Building, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood shingles, cedar shakes* and *cedar shake panels, nails, paint* and other *accessories* used in the installation thereof, from the site of the plant, plants or warehouses of Supradur Manufacturing Corporation at Wind Gap, Pa., and points within five (5) miles thereof, to points in Vermont, Rhode Island, Virginia, West Virginia, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, and the District of Columbia within 300 miles of Wind Gap, Pa., and to points in Ohio, New Hampshire and Maine; *asbestos* and *asphalt shingles* and *supplies* used in installation thereof, from the site of the plant, plants or warehouses of Supradur Manufacturing Corporation at Wind Gap, Pa., and points within five (5) miles thereof, to points in New Hampshire and Maine; and *pallets, blocking* and *other materials* used in transporting the above-described commodities and *damaged or rejected shipments* of the commodities specified in this application on return.

HEARING: May 4, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

No. MC 52858 (Sub No. 84), filed February 8, 1960. Applicant: CONVOY COMPANY, a Corporation, 3900 Northwest Yeon Avenue, Portland 10, Oreg. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Medford, Grants Pass, and Aloha, Oreg., to points in California, Oregon, Washington, Idaho, Nevada, Arizona, Montana, Wyoming, New Mexico, Utah, and Colorado, and *rejected or refused shipments* of the above-specified commodities on return.

HEARING: May 10, 1960, at the Offices of the Interstate Commerce Commission, Hearing Room 410 Southwest 10th Avenue, Portland, Oreg., before Examiner J. Thomas Schneider.

No. MC 59310 (Sub No. 53), filed January 13, 1960. Applicant: SPROUT & DAVIS, INC., 2500 Indianapolis Boulevard, Whiting, Ind. Applicant's attorney: Howell Ellis, 1210–12 Fidelity Building, 111 Monument Circle, Indian-

apolis 4, Ind. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in The Maxwell Co., Extension Addyston, 63 M.C.C. 677, in bulk, in tank vehicles, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to Arlington, Tenn., and Louisville, Ky.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 59310 (Sub No. 46) to determine whether applicant's status is that of a common or contract carrier.

HEARING: May 9, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Illinois, before Examiner Warren C. White.

No. MC 64932 (Sub No. 268), filed January 25, 1960. Applicant: ROGERS CARTAGE CO., a Corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Kenosha, Racine, and Milwaukee Counties, Wisconsin, to points and places in Illinois, Kentucky, Michigan, Missouri, Iowa, Ohio, Minnesota, and Indiana.

HEARING: May 10, 1960, in Room 852, U.S. Custom House 610 South Canal Street, Chicago, Illinois, before Examiner Warren C. White.

No. MC 65346 (Sub No. 25), filed February 29, 1960. Applicant: PACKER CITY TRANSIT LINE, INC., 1210–16 North Buchanan Street, Green Bay, Wis. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum siding, parts, accessories and materials* used in the installation thereof, from the plant site of the Flintkote Company, located at Chicago Heights, Ill., to points in Wisconsin, except Madison and Milwaukee and points south of Milwaukee within five (5) miles of Lake Michigan, and *damaged and rejected shipments* of the specified commodities, on return.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 65346 (Sub No. 24).

HEARING: May 5, 1960, in Room 852 U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 75305 (Sub No. 14), filed February 10, 1960. Applicant: DEALERS TRANSPORT CO., a Corporation, U.S. Highway 69 and Transport Road, Liberty, Mo. Applicant's attorney: Walter V. Huston, 4105 Main Street, Kansas City 11, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, new trucks*, and *new chassis*, in initial movements, in truckaway service, and *new automobile parts and accesories*, incidental to the vehicles transported, when transported at the same time and in the same vehicle, from the site of the Ford Motor Company assembly plant, Claycomo, Mo., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Mississippi, North Dakota, Oregon, Tennessee, and Wisconsin, and *damaged, defective or rejected units* of the above-specified commodities on return.

HEARING: May 17, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Parks M. Low.

No. MC 89716 (Sub No. 32), filed November 20, 1959. Applicant: RICHARD R. JONES, doing business as DICK JONES, P. O. Box 773, Powell, Wyo. Applicant's attorney: T. H. Burke, Billings State Bank Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Phosphoric acid and other liquid fertilizer*, and *liquid fertilizer compounds*, in bulk, in tank vehicles, from the plant site of J. R. Simplot Company at Don, Idaho, to farms and ranches and unincorporated towns, in Park County, Wyo.; (2) *phosphoric acid and other liquid fertilizer*, and *liquid fertilizer compounds*, in containers only, from the plant site of J. R. Simplot Company at Don, Idaho, to farms and ranches and unincorporated towns in Park, Big Horn, Washakie, Fremont, and Hot Springs Counties, Wyo.; (3) *dry fertilizer*, and *dry fertilizer compounds*, in bulk, and in containers, from the plant site of J. R. Simplot Company at Don, Idaho, to farms and ranches and unincorporated towns in Park, Big Horn, Washakie, Fremont, and Hot Springs Counties, Wyo., except Basin, Burlington, Cody, Greybull, Lovell, Meeteetse, Powell, Riverton, Thermopolis, and Worland, Wyo.; (4) *phosphoric acid and other liquid fertilizer*, and *liquid fertilizer compounds*, in bulk, in tank vehicles, from the plant site of J. R. Simplot Company at Don, Idaho, to all incorporated towns and cities in Park County, Wyo.; (5) *phosphoric acid and other liquid fertilizer*, and *liquid fertilizer compounds*, in barrels, in containers, in boxes, in bulk in tank trucks, and in Sealdtank and similar containers, from the plant site of J. R. Simplot Company at Don, Idaho, to all points and places in Park, Big Horn, Washakie, Fremont, and Hot Springs Counties, Wyo., except as applied for in subparagraphs (1) and (2) above; (6) *dry fertilizer*, and *dry fertilizer compounds*, in bulk, in inner containers in bags, barrels or boxes, and in cloth and paper bags, from the plant site of J. R. Simplot Company at Don, Idaho, to all points and places in Park, Big Horn, Washakie, Fremont, and Hot Springs Counties, Wyo,. except as applied for in sub-paragraph (3) above; and (7) *feeds, animal and poultry*, in bulk, in bags and in containers, from Denver, Colo., to points and places in Fremont, Hot Springs, Washakie, Big Horn, and Park Counties, Wyo. Applicant is authorized to conduct operations in Wyoming, Montana, Colorado, Washington, Nebraska, and South Dakota.

HEARING: May 13, 1960, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyoming, before Joint Board No. 306, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 98707 (Sub No. 8), filed February 11, 1960. Applicant: MILES MOTOR TRANSPORT SYSTEM, Post Office Box 510, Stockton, Calif. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in sacks, from Project City, Calif. and points within five miles of Project City, to points in Josephine, Curry, Jackson, Klamath, Lake, Harney, Douglas, Coos, Lane, and Deschutes Counties, Oregon.

HEARING: May 17, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 11, or, if the Joint Board waives its right to participate before Examiner J. Thomas Schneider.

No. MC 99210 (Sub No. 3), filed January 4, 1960. Applicant: DONALD BATHEL, Box 105, Claremont, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from points in Mower and Waseca Counties to Rochester or Owatonna, Minn. Applicant is authorized to conduct operations in Minnesota.

HEARING: May 31, 1960, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Joint Board No. 145.

No. MC 100666 (Sub No. 37), filed January 4, 1960. Applicant: MELTON TRUCK LINES, INC., P.O. Box 128, Crossett, Ark. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, between points in Mississippi and points in Arkansas. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

HEARING: May 18, 1960, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Arkansas, before Joint Board No. 109.

No. MC 101126 (Sub No. 129), filed January 18, 1960. Applicant: STILL-PASS TRANSIT CO., INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oil products and blends thereof*, in bulk, in insulated, stainless steel or aluminum tank vehicles, from St. Bernard and Cincinnati, Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and *rejected shipments* of the above-described commodities on return.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 101126 Sub No. 86 to determine whether applicant's status is that of a contract or common carrier.

HEARING: May 17, 1960, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Warren C. White.

No. MC 101126 (Sub No. 130), filed January 18, 1960. Applicant: STILLPASS TRANSIT CO., INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oil products and blends thereof*, in bulk, in insulated, stainless steel or aluminum tank vehicles, from St. Bernard and Cincinnati, Ohio, to points in Alabama, Arkansas, Florida, Louisiana, and Mississippi, and *rejected shipments* of the above-described commodities on return.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 101126 Sub No. 86 to determine whether applicant's status is that of a contract or common carrier.

HEARING: May 17, 1960, in Room 712 Federal Building, Cincinnati, Ohio, before Examiner Warren C. White.

No. MC 101126 (Sub No. 131) filed February 1, 1960. Applicant: STILLPASS TRANSIT CO., INC., 4967 Spring Grove Ave., Cincinnati 32, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils and products and blends thereof, and crude oil*, in bulk, in insulated, stainless steel or aluminum tank vehicles, between points in Franklin County, Ohio, on the one hand, and, on the other points in Pennsylvania, New York, New Jersey, Massachusetts, and Michigan.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, No. MC 101126 (Sub No. 86).

HEARING: May 17, 1960, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Warren C. White.

No. MC 102541 (Sub No. 9), filed November 24, 1959. Applicant: NEWMAN AND PEMBERTON CORP., 2007 University Avenue NW., Knoxville, Tenn. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, and *materials* and *supplies* used in the sale and distribution of bakery products, from Macon, Ga., to Memphis, Nashville, and Knoxville, Tenn., Louisville and Lexington, Ky., and Huntington, W. Va. Applicant is authorized to conduct operations in Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, Tennessee, and West Virginia.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier.

HEARING: May 16, 1960, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Warren C. White.

No. MC 102567 (Sub No. 75), filed November 9, 1959. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, 235 Benton Road, Bossier City, La. Applicant's attorney: Jo E. Shaw, Bettes Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, including but not limited to those named in Appendix XIII to *Descriptions in Motor Carrier Certificates* 61 MCC 209, in bulk, in tank vehicles, between points in Louisiana, and that portion of Texas on and east of U.S. Highway 77 and beyond 150 miles of Henderson, Tex. Applicant is authorized to conduct operations in Texas, Arkansas, Louisiana, Mississippi, Missouri, Tennessee, Alabama, Georgia, Oklahoma, Florida, and South Carolina.

NOTE: Applicant states he does not seek any duplication of existing authority.

HEARING: May 9, 1960, at the Federal Office Building, 600 South Street, New Orleans, Louisiana, before Joint Board No. 32.

No. MC 102567 (Sub No. 76), filed February 23, 1960. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, 235 Benton Road, Bossier City, La. Applicant's attorney: Jo E. Shaw, Bettes Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rosin sizing*, in bulk, in tank vehicles, from the plant site of American Cyanamid Company located at or near Springhill, La., to the plant site of International Paper Company located at or near Pine Bluff, Ark., and the plant site of International Paper Company located at or near Camden, Ark.

NOTE: Applicant states no duplication of existing authority is sought.

HEARING: May 13, 1960, at the Federal Office Building, 600 South Street, New Orleans, Louisiana, before Joint Board No. 35.

No. MC 106398 (Sub No. 134), filed October 12, 1959. Applicant: NATIONAL TRAILER CONVOY, INC., Box 8096 Dawson Station, 1916 North Sheridan Road, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, not exceeding 20 feet in length, from points in Wyoming to all points in the United States including Alaska, and *damaged* or *refused* shipments of boats, on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 9, 1960, at the Wyoming Public Service Commission Supreme Court and State Library Building, Cheyenne, Wyoming, before Examiner Jerry F. Laughlin.

No. MC 106400 (Sub No. 25), filed February 23, 1960. Applicant: KAW TRANSPORT COMPANY, a Corporation, 701 North Sterling, Sugar Creek, Mo. Applicant's attorney: Henry M. Shughart, 914 Commerce Building, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in specialized vehicles, from points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, to points in Illinois, Kentucky, and Colorado, and *rejected shipments* of the commodities specified in this application on return.

HEARING: May 18, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Parks M. Low.

No. MC 106603 (Sub No. 59), filed February 3, 1960. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids 8, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and related products* and *insulation materials* (rock, slag or glass wool), from Grand Rapids, Mich., to points in Kentucky, and *empty containers*, including but not limited to totes, bins, pallets and skids on return.

HEARING: May 12, 1960, at the Federal Building, Detroit, Michigan, before Examiner Alfred B. Hurley.

No. MC 106714 (Sub No. 10), filed February 9, 1960. Applicant: JOHN E. HIGGINS AND JOHN B. HIGGINS, doing business as HIGGINS TRANSPORTATION, Richland Center, Wis. Applicant's attorney: Claude J. Jasper, 616–17 Tenney Building, 110 East Main Street, Madison 3, Wis. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wire netting, fencing, steel fence posts, nails, staples, baling wire, barbed wire*, and *baler and binder twine*, from Milwaukee, Wis. (ex-lake or ex-ocean-going vessels), and Prairie du Chien, Wis. (ex-river barge), to points in Wisconsin on and north of U.S. Highway 8.

NOTE: Applicant states it proposes to transport only traffic taken directly off a lake or oceangoing vessel or river barge, and placed either directly into the vehicle for transportation, or on the dock for putting into such vehicles. Applicant does not propose to transport the specified commodities which might originate interline at Milwaukee or Prairie du Chien from railroad or other motor carriers, or commodities which, while still maintaining their interstate commerce characteristics, have come into Milwaukee or Prairie du Chien by other than barge, lake or oceangoing vessels.

HEARING: May 25, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 106836 (Sub No. 2), filed January 28, 1960. Applicant: PRESCOTT TRANSFER & STORAGE INC., West Second and Walnut Street, Prescott, Ark. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *household goods*, as defined by the Commission, between points and places in Arkansas.

HEARING: May 16, 1960, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Arkansas, before Joint Board No. 215.

No. MC 106977 (Sub No. 24), filed November 9, 1959. Applicant: RYDER TRUCK LINES OF LOUISIANA, INC., 400 Pinckney Street, P.O. Box 2625,

Houston 1, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the junction of U.S. Highway 71 and Louisiana Highway 10 at or near Lebeau, La., for purposes of joinder only, serving no intermediate or off-route points, in connection with applicant's authorized operations over U.S. Highway 71 serving no intermediate points between the junction of U.S. Highways 71 and 190, on the one hand, and, on the other, Alexandria, La. Applicant is authorized to conduct operations in Louisiana, Mississippi, and Texas.

NOTE: Applicant states it presently has such authority; however, under this application it will make proof, without waiving any rights which it now has, that the public convenience and necessity requires the grant of such right of joinder of operating authority at such termini, in such manner as to permit applicant to turn off U.S. Highway 71 at such junction on to Louisiana Highway 10, and vice versa.

HEARING: May 11, 1960, at the Federal Office Building, 600 South Street, New Orleans, Louisiana, before Joint Board No. 164.

No. MC 107912 (Sub No. 10), filed January 28, 1960. Applicant: MURPHEY TRUCK LINE, INC., 954 South Barton Street, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Memphis, Tenn., and Grenada, Miss.: from Memphis over U.S. Highway 51 to Grenada, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

HEARING: May 3, 1960, at the Claridge Hotel, Hemphis, Tenn., before Joint Board No. 229.

No. MC 108001 (Sub No. 13), filed March 2, 1960. Applicant: OHIO-TRI-COUNTY TRUCKING CO., 21262 Telegraph Road, Detroit, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk, in dump vehicles, between points in Indiana and Michigan within 40 miles of the Indiana-Michigan state line.

HEARING: May 17, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 23.

No. MC 108446 (Sub No. 20), filed February 3, 1960. Applicant: FISCHBACK TRUCKING CO., a Corporation, 921 Sherman Street, Akron, Ohio. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum siding* and *parts, accessories*, and *materials* used in the installation thereof, from Chicago Heights, Ill., to points in Ohio.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 108446 (Sub. No. 17) to determine whether applicant's status is that of a common or contract carrier. Applicant states that in this proceeding it seeks an interim permit, or a certificate as a common carrier if the conversion certificate has been approved prior to a decision in this case.

HEARING: May 5, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 58, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 108449 (Sub No. 97) (Clarification), filed January 20, 1960, published in the February 25, 1960 issue of the FEDERAL REGISTER. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. The purpose of this clarification is to add to the commodity description of forest products, as shown in Item (2) in the previous publication of the FEDERAL REGISTER, the following: "and residue such as sawdust and wood chips".

HEARING: Remains as assigned April 1, 1960 in Room 601, Metropolitan Building, Second Avenue South and Third Streets, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 108449 (Sub No. 98), filed January 25, 1960. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hexane*, in bulk, in tank vehicles, from St. Paul, Minn., to Culbertson, Mont.

HEARING: June 3, 1960, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Joint Board No. 224.

No. MC 108859 (Sub No. 34), filed January 4, 1960. Applicant: CLAIRMONT TRANSFER CO., a Corporation, 1803 Seventh Avenue North, Escanaba, Mich. Applicant's attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, between Green Bay, Wis., and the United States Air Force Base at or near Sands, Mich., from Green Bay over U.S. Highway 41 to its junction with Marquette County Highway 480, thence to junction Marquette County Highway 553, and return over the same route, serving no intermediate or off-route points. Applicant is authorized to conduct operations in Illinois, Michigan, and Wisconsin.

HEARING: May 20, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 95.

No. MC 109451 (Sub No. 112), filed March 9, 1960. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk (except sand, but including silica sand, gravel, cement, coal, and coke), and *rejected shipments* thereof, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 109451 (Sub No. 82) to determine whether applicant's status is that of a common or contract carrier. Applicant states that it does not propose by this application to apply for any duplicate authority, and agrees to elimination of any duplications.

HEARING: April 18, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 110157 (Sub No. 12), filed September 15, 1959. Applicant: C. M. LANG AND C. R. GIVENS, doing business as LANG TRANSIT CO., 38th Street and Quirt, Lubbock, Tex. Applicant's attorney: H. J. Blanchard, Suite 1105 Great Plains Life Building, Lubbock, Tex. 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, (1) between Needmore, Tex., and Friona, Tex., over Texas Highway 214, serving all intermediate points; (2) between Muleshoe, Tex., and the Texas-New Mexico State line at or near Farwell, Tex., over U.S. Highways 70 and 84, serving all intermediate points. Applicant is authorized to conduct operations in New Mexico and Texas.

HEARING: May 13, 1960, at Herring Hotel, Amarillo, Texas, before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 111159 (Sub. No. 106), filed January 20, 1960. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Highway 80-W, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 700 Petroleum Building, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Desha County, Ark., to points in Mississippi.

HEARING: May 19, 1960, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Arkansas, before Joint Board No. 109.

No. MC 111159 (Sub No. 109), filed February 8, 1960. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Jackson, Miss. Applicant's attorney:

Phineas Stevens, Suite 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed Clay*, in bulk, from Jackson, Miss., to points in Louisiana and Texas.

HEARING: May 4, 1960, at the Robert E. Lee Hotel, Jackson, Mississippi, before Joint Board No. 246.

No. MC 111159 (Sub No. 110), filed February 19, 1960. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 700 Petroleum Building, P.O. Box 141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and Petroleum products*, in bulk, in tank vehicles, from Crupp and Rogerslacy, Miss., to Arkansas.

HEARING: May 6, 1960, at the Robert E. Lee Hotel, Jackson, Mississippi, before Joint Board No. 218.

No. MC 111177 (Sub No. 4), filed November 13, 1959. Applicant: ROBERT G. JONES, doing business as R. G. JONES TRUCKING CO., 721 Cloverdale Drive, P.O. Box 1283, Hutchinson, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Cereal malt beverages* and *advertising matter* pertaining thereto, from Golden, Colo. to points in Kansas, and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, on return. Applicant is authorized to conduct operations in Kansas and Colorado.

NOTE: Any duplication with present authority to be eliminated. A proceeding has been instituted under section 212(c) to determine whether applicants status is that of a common or contract carrier, assigned docket No. MC 111177 (Sub No. 2).

HEARING: May 26, 1960, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 43, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 112020 (Sub No. 91), filed February 11, 1960. Applicant: COMMERCIAL OIL TRANSPORT, a Corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats*, in bulk, in tank vehicles, from points in Madison County, Ill., to points in Missouri, Kentucky, Tennessee, Indiana, Ohio, Nebraska, Iowa, Kansas, Arkansas, Oklahoma, Louisiana, Texas, Mississippi, Illinois, and Colorado.

NOTE: Applicant is controlled and owned by the same stock holders who control and own Commercial Oil Transport of Oklahoma, Inc., an Oklahoma Corporation.

HEARING: May 13, 1960, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Parks M. Low.

No. MC 112020 (Sub No. 92), filed February 11, 1960. Applicant: COMMERCIAL OIL TRANSPORT, a Corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats, and blends and products thereof*, in bulk, in tank vehicles, between Dupo, Ill., on the one hand, and, on the other, points in Minnesota, Wisconsin, Illinois, Iowa, Nebraska, Kansas, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Colorado, Kentucky, Mississippi, and Memphis and Chattanooga, Tenn.

NOTE: Applicant is controlled and owned by the same stock holders who control and own Commercial Oil Transport of Oklahoma, Inc., an Oklahoma Corporation.

HEARING: May 13, 1960, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Parks M. Low.

No. MC 112063 (Sub No. 3), filed January 29, 1960. Applicant: P.I. & I. MOTOR EXPRESS, INC., 836 South Irvine Avenue, Sharon, Pa. Applicant's attorney: J. J. Kuhner, 736 Society for Savings Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold by wholesale grocery and food business houses and stores, and *supplies, equipment*, and *advertising material*, and *related items*, used in the conduct of such businesses, from points in Illinois, Indiana, those in Ohio on, west and north of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 23 to Columbus, Ohio, thence along U.S. Highway 40 to Lafayette, Ohio, and thence along U.S. Highway 42 to the Ohio-Kentucky State line, and those in Wisconsin on, south and east of a line beginning at Port Washington, Wis., and extending along Wisconsin Highway 33 to Portage, Wis., and thence along Wisconsin Highway 78 to the Wisconsin-Illinois State line, to Kittanning and Sharon, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

HEARING: May 6, 1960, at the New Federal Building, Pittsburgh, Pa., before Examiner Alfred B. Hurley.

No. MC 112497 (Sub No. 153), filed November 9, 1959. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., 216 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank vehicles, from Starks, La., and points within fifteen (15) miles thereof to North Little Rock, Ark. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

HEARING: May 10, 1960, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 35.

No. MC 112497 (Sub No. 157), filed March 2, 1960. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Suite 216, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from Mobile, Ala., to points in Louisiana except Baton Rouge.

HEARING: May 10, 1960, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 165.

No. MC 113280 (Sub No. 2), filed February 17, 1960. Applicant: HERBERT KREILKAMP, doing business as KREILKAMP'S TRUCK LINE, 1044 North Main Street, Hartford, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (beer), from West Bend, Wis., to Berwyn and Des Plaines, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodity on return.

HEARING: May 26, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 13.

No. MC 113514 (Sub No. 59), filed January 27, 1960. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in Hopper Trailers, from Rockdale, Tex., to Bossier City, La.

HEARING: May 4, 1960, at the Baker Hotel, Dallas, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Abraham J. Essrick.

No. MC 113514 (Sub No. 60), filed February 23, 1960. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Silicate of Soda Briquettes*, in bulk, from Dallas, Tex., to Arkadelphia, Ark.

HEARING: May 4, 1960, at the Baker Hotel, Dallas, Tex., before Joint Board No. 152, or, if the Joint Board waives its right to participate, before Examiner Abraham J. Essrick.

No. MC 113533 (Sub No. 27), filed October 12, 1959. Applicant: WARREN P. KURTZ, doing business as LAKE REFRIGERATED SERVICE, 3445 Paterson Plank Road, North Bergen, N.J. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, from Detroit, Mich., and points within the Detroit, Mich., Commercial Zone, as defined by the Commission, and Plainwell, Mich., to points in Maryland, New Jersey, New York, Pennsylvania, and Washington, D.C., and *rejected and damaged shipments*, of the above-specified commodities, on return. Applicant is authorized to conduct operations in

Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

HEARING: May 10, 1960, at the Federal Building, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 113651 (Sub No. 33), filed February 8, 1960. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: William J. Boyd, 30 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, Paving and Roofing* Materials, from Meridian, Miss., to points in Indiana, Illinois, Ohio, Kentucky, Michigan, Wisconsin, and Iowa, and *rejected and damaged shipment of building, paving and roofing materials* on return.

HEARING: May 5, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Warren C. White.

No. MC 113779 (Sub No. 117), filed March 7, 1960. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 La Porte Expressway, P.O. Box 12385, Houston 17, Tex. Applicant's attorney: R. D. Woodall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plant site of Witco Chemical Company, Chicago, Ill., to Fall River, Mass., Chester, Pa., and Baltimore, Md.

HEARING: April 22, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 113832 (Sub No. 18), filed October 19, 1959. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, Legal Department (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from the site of the Alpha Portland Cement Company plant located in or near St. Louis, Mo., to (1) points in Scott, Muscatine, Louisa, Washington, Keokuk, Wapello, Jefferson, Henry, Des Moines, Lee, Van Buren, Davis, and Appanoose Counties, Iowa; (2) points in Putnam, Schuyler, Scotland, Clark, Grundy, Sullivan, Adair, Knox, Lewis, Livingston, Linn, Macon, Shelby, Marion, Ray, Carroll, Chariton, Randolph, Monroe, Ralls, Audrain, Pike, Lafayette, Saline, Howard, Boone, Callaway, Montgomery, Lincoln, Johnson, Pettis, Cooper, Warren, St. Charles, Henry, Benton, Morgan, Moniteau, Cole, Osage, Gasconade, Franklin, St. Louis, Jefferson, St. Clair, Hickory, Camden, Miller, Maries, Cedar, Polk, Dallas, Laclede, Pulaski, Phelps, Crawford, Washington, St. Francois, Ste. Genevieve, Greene, Webster, Wright, Texas, Dent, Iron, Reynolds, Madison, Perry, Bollinger, Cape Girardeau, Shannon, Wayne, Christian, Douglas, Howell, Taney, Ozark, Oregon, Carter, Ripley, Butler, Stoddard, Scott, Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo.; (3) points in Baxter, Fulton, Izard, Sharp, Randolph, Lawrence, Clay, Greene, Craighead, and Mississippi Counties, Ark.; (4) points in Lake, Obion, Weakley, Henry, Stewart, Gibson, Dyer, Crockett, and Lauderdale Counties, Tenn.; (5) points in Fulton, Hickman, Carlisle, Graves, McCracken, Ballard, Livingston, Marshall, Galloway, Crittenden, Lyon, Trigg, Caldwell, Union, Henderson, Webster, Hopkins, Christian, Daviess, McLean, Muhlenberg, Ohio, and Hancock Counties, Ky.; (6) points in Benton, Warren, Fountain, Vermillion, Parke, Montgomery, Putnam, Vigo, Clay, Owen, Sullivan, Greene, Monroe, Knox, Daviess, Martin, Lawrence, Orange, Gibson, Pike, Dubois, Crawford, Posey, Vanderburgh, Warrick, Spencer, and Perry Counties, Ind.; and (7) points in Rock Island, Mercer, Henry, Bureau, La Salle, Grundy, Kankakee, Putnam, Henderson, Warren, Knox, Stark, Marshall, Peoria, Woodford, Livingston, Iroquois, Hancock, McDonough, Fulton, Tazewell, McLean, Ford, Adams, Schuyler, Brown, Cass, Mason, Menard, Logan, De Witt, Champaign, Vermillion, Pike, Scott, Morgan Sangamon, Christian, Macon, Piatt, Moultrie, Coles, Douglas, Edgar, Greene, Macoupin, Calhoun, Jersey, Montgomery, Shelby, Cumberland, Clark, Madison, Bond, Fayette, Effingham, Jasper, Crawford, Saint Clair, Monroe, Clinton, Washington, Marion, Clay, Richland, Lawrence, Jefferson, Wayne, Edwards, Wabash, Randolph, Perry, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac Counties, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting Cement, on return. Applicant is authorized to conduct operations in Illinois, Indiana, and Wisconsin.

NOTE: Common control may be involved.

HEARING: May 9, 1960, at the U.S. Court House and Custom House, 114 Market Street, St. Louis, Mo., before Examiner Parks M. Low.

No. MC 113832 (Sub No. 21), filed February 29, 1960. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 620 South 29th Street., Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, from the new plant site of the Dewey Portland Cement Division of American-Marietta Company, located in or near Tulsa, Okla., to points in Oklahoma, Arkansas, Kansas, Missouri, and to points in Texas north of the following counties, Gaines, Dawson, Borden, Scurry, Fisher, Jones, Shackelford, Stephens, Palo Pinto, Parker, Tarrant, Dallas, Rockwall, Kaufman, Van Zandt, Smith, Gregg, and Harrison, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: May 20, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Parks M. Low.

No. MC 113908 (Sub No. 65), filed February 18, 1960. Applicant: ERICKSON TRANSPORT CORP., MPO Box 706, 706 West Tampa, Springfield, Mo. Applicant's attorney: Turner White, 809 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and oils*, in bulk, in tank vehicles, from Springfield, Mo., to Cincinnati, Ohio, Springdale and Little Rock, Ark., and those points in Kansas which are within the Kansas City, Mo.-Kans., Commercial Zone as defined by the Commission.

HEARING: May 18, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Parks M. Low.

No. MC 113981 (Sub No. 4), filed November 9, 1959. Applicant: V. J. HUNT, doing business as VEGAS TRUCKING & MOVING CO., 2851 Cedar Street, Las Vegas, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods as defined by the Commission, Classes A and B explosives, commodities of unusual value, commodities in bulk, and those requiring special equipment, between Pahrump, Nev., and Bakersfield, Calif.; from Pahrump over Nevada Highway 52 to the Nevada-California State line, thence over California Highway 52 to Shoshone, Calif., thence north over California Highway 127 to junction California Highway 190, thence west over California Highway 190 to junction unnumbered highway near Townes Pass, Calif., thence over unnumbered highway to junction U.S. Highway 6 near Inyokern, Calif., thence south over U.S. Highway 6 to junction California Highway 178, and thence over California Highway 178 to Bakersfield, and return over the same route, serving all intermediate points and off-route points located in Kern County, Calif. Applicant is authorized to conduct operations in Arizona, California, and Nevada.

NOTE: Applicant states he proposes to use Highway 212 upon its completion, between Shoshone and Trona, Calif.

HEARING: May 26, 1960, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 78, or if the Joint Board waives its right to participate before Examiner J. Thomas Schneider.

No. MC 113984 (Sub No. 4), filed May 22, 1959. Applicant: CASMER E. WENGLIKOWSKI AND EDWARD D. WENGLIKOWSKI, a Partnership, doing business as WENGLIKOWSKI BROTHERS, 5404 Hilltop Drive, Bay City, Mich. Applicant's attorney: John M. Veale, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Frankenmuth, Mich., to points in Illinois, Indiana, Ohio, and Wisconsin, and *empty containers or other such incidental facilities* used in transporting malt beverages, on return. Applicant is authorized to transport malt beverages from Milwaukee, Wis., to Essexville, Mich., and empty malt beverage containers on return.

NOTE: Applicant states this application is filed simultaneously with application to purchase the operating authority of Frankenmuth Transportation Co. (MC 111109), to transport malt beverages from Frankenmuth, Mich., to points in the same states, assigned No. MC-FC 62282.

HEARING: May 2, 1960, at the Olds Hotel, Lansing, Mich., before Examiner Warren C. White.

No. MC 114364 (Sub No. 43), filed October 19, 1959. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, P.O. Box 672, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from Rocky Ford, Colo., to points in that part of Texas lying on and south of a line beginning at the New Mexico-Texas State line, thence east along U.S. Highway 180 to the junction of U.S. Highway 87, thence along U.S. Highway 87 to the junction of U.S. Highway 80, thence along U.S. Highway 80 to the junction of U.S. Highway 281 and to points lying on and west of U.S. Highway 281 to San Antonio, Tex. and on and west of U.S. Highway 81 to the International Border at Laredo, Tex. Applicant is authorized to conduct operations in Arkansas, Colorado, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

HEARING: May 16, 1960, at the New Customs House, Denver, Colo., before Examiner Jerry F. Laughlin.

No. MC 114364 (Sub No. 44), filed February 19, 1960. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's attorney: Alvin J. Meiklejohn, Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium Nitrate*, from St. Francis, Tex., and points within five miles thereof, to points in Colorado, Idaho, Missouri, Kansas, Utah, Wyoming, that part of Nebraska on and west of U.S. Highway 183, and that part of New Mexico on and north of U.S. Highway 66.

HEARING: May 17, 1960, at the New Customs House, Denver, Colo., before Examiner Jerry F. Laughlin.

No. MC 114492 (Sub No. 7), filed June 29, 1959. Applicant: TRANSPORT TRUCKING CO. OF TEXAS, P.O. Box 36, Texico, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camping trailers and boats*, from Grants, N. Mex., to points in the United States, including Alaska, and *rejected, refused or damaged shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Colorado, New Mexico, Texas, Arizona, and Utah.

HEARING: May 25, 1960, at the Hilton Hotel, Albuquerque, N. Mex., before Examiner Jerry F. Laughlin.

No. MC 114897 (Sub No. 22), filed February 17, 1960. Applicant: WHITFIELD TANK LINES, INC., 240 West Amador Street, Las Cruces, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable fats*, in bulk, in tank vehicles, and *refused or rejected shipments* of the above-specified commodities, between points in Arizona, Colorado, New Mexico, and Texas.

HEARING: May 23, 1960, at the Hilton Hotel, Albuquerque, N. Mex., before Examiner Jerry F. Laughlin.

No. MC 114965 (Sub No. 10), filed February 24, 1960. Applicant: L. R. CYRUS, doing business as CYRUS PETROLEUM TRUCK LINE, P.O. Box 327, Iola, Kans. Applicant's attorney: Charles H. Apt, Allen County State Bank Building, Iola, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in specialized equipment, from pipeline terminals in Missouri to points in Kansas, Iowa, and Nebraska, and *damaged and refused shipments* on return.

NOTE: Applicant has contract carrier authority under MC No. 66344 and Subs thereunder. Dual authority under section 210 may be involved. Any duplication with present and pending authority to be eliminated.

HEARING: May 19, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Parks M. Low.

No. MC 115135 (Sub No. 6), filed February 23, 1960. Applicant: CHEMICAL EXPRESS, a Corporation, 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Maryneal, Texas to points in Oklahoma.

NOTE: Applicant indicates it is under common control with Smith Transit Inc., MC 113514, and Cement Transports, Inc., MC 116391; therefore, common control and dual operations may be involved.

HEARING: May 5, 1960, at the Baker Hotel, Dallas, Tex., before Joint Board No. 16, or, if the Joint Board waives its right to participate before Examiner Abraham J. Essrick.

No. MC 115162 (Sub No. 55), filed December 9, 1959. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 2284 West Fairview Avenue, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibre pipe, conduit and fittings*, from Ironton, Ohio, to points in Georgia, Florida, Mississippi, Louisiana, and Tennessee. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 4, 1960, at the New Federal Building, Pittsburgh, Pa., before Examiner Alfred B. Hurley.

No. MC 115757 (Sub No. 22), filed March 10, 1960. Applicant: BULK MOTOR TRANSPORT, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Applicant's attorney: Thomas N. Dowd, Ring Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

HEARING: May 3, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 116062 (Sub No. 15), filed January 22, 1960. Applicant: CALIFORNIA EXPRESS, INC., 1701 Vinewood, Fort Worth, Tex. Applicant's attorney: James W. Hightower, 122 Wynnewood Professional Building, Dallas 24, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank or hopper vehicles, from St. Louis, Mo., East St. Louis, Ill., Commercial Zone and El Dorado, Ark., to points in Arizona, California, Idaho, Nevada, Oregon, and Washington, and *damaged, rejected* or *returned shipments* of the above-specified commodities on return.

HEARING: May 11, 1960, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Parks M. Low.

No. MC 116317 (Sub. No. 11), filed January 29, 1960. Applicant: FEASTER TRUCKING SERVICE, INC., Claflin, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Burned clay products*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-mentioned commodities on return, (1) between Denver, Colo., on the one hand, and, on the other, points in Wyoming, Nebraska, Iowa, Missouri, Kansas, Oklahoma, Texas, and New Mexico and (2) between the plantsite of the Cloud Ceramics Company located at or near Concordia, Kans., and points in Wyoming and that part of Colorado lying on and east of U.S. Highway 87.

HEARING: May 25, 1960, at the Hotel Kansan, Topeka, Kans., before Examiner Parks M. Low.

No. MC 116391 (Sub No. 3), filed February 23, 1960. Applicant: CEMENT TRANSPORTS, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in containers, from Maryneal, Tex., to points in Oklahoma.

HEARING: May 5, 1960, at the Baker Hotel, Dallas, Texas, before Joint Board No. 16, or, if the Joint Board waives its right to participate, before Examiner Abraham J. Essrick.

No. MC 116412 (Sub No. 2), filed February 1, 1960. Applicant: SOUTHWEST BULK HANDLERS, INC., 307 American Building, Ada, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, in tank vehicles, from the plant site of Oklahoma Cement Company, near Pryor, Okla., to points in Kansas on and east

of U.S. Highway 281 commencing at its junction with U.S. Highway 24 at or near Osborn, Kans., and extending along U.S. Highway 281 to the Kansas-Oklahoma State line, and on and south of U.S. Highway 24 from said junction to the Kansas-Missouri State line; points in Missouri on and south of U.S. Highway 50 commencing at the Missouri-Kansas State line and extending along U.S. Highway 50 to its junction with U.S. Highway 63, and thence on and west of U.S. Highway 63 to the Missouri-Arkansas State line; points in Arkansas on and west of U.S. Highway 67 commencing at the Missouri-Arkansas State line and extending along U.S. Highway 67 to its junction with Arkansas Highway 17 near Newport, Ark., thence on and west of Arkansas Highway 17 to its junction with Arkansas Highway 1 near St. Charles, Ark., thence on and west of Arkansas Highway 1 to its junction with U.S. Highway 65 near McGeehee, Ark., and thence on and west of U.S. Highway 165 to the Arkansas-Louisiana State line; points in Louisiana on and west of U.S. Highway 165 commencing at the Louisiana-Arkansas State line and extending along U.S. Highway 165 to its junction with U.S. Highway 80, and thence on and north of U.S. Highway 80 to the Louisiana-Texas State line; and points in Texas on and north of U.S. Highway 80 commencing at the Texas-Louisiana State line and extending along U.S. Highway 80 to its junction with U.S. Highway 81, and thence on and east of U.S. Highway 81 to the Texas-Oklahoma State line.

HEARING: May 9, 1960, at the Federal Building, Oklahoma City, Okla., before Examiner John B. Mealy.

No. MC 116959 (Sub No. 3), filed November 19, 1959. Applicant: PAUL KLANKOWSKI, East Grove Street, Caledonia, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, in bags and in bulk, from Belmond, Iowa, to points in Minnesota except points in the Minneapolis-St. Paul Commercial Zone and except points in Clay, Crow Wing, Douglas, Fillmore, Grant, Houston, Hubbard, Morrison, Otter Tail, Pennington, Polk, Pope, Sherburne, Stearns, Stevens, Todd, and Winona Counties, Minn., and to points in Wisconsin, except points in Adams, Buffalo, Clark, Columbia, Crawford, Dodge, Fond du Lac, Grant, Green Lake, Iowa, Jackson, Jefferson, Juneau, La Crosse, Lafayette, Marathon, Marquette, Milwaukee, Monroe, Oconto, Outagamie, Ozaukee, Portage, Richland, Sauk, Shawano, Sheboygan, Trempealeau, Vernon, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood Counties, Wis. Applicant is authorized to conduct operations in Iowa, Minnesota, and Wisconsin.

HEARING: June 1, 1960, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Joint Board No. 181.

No. MC 117439 (Sub No. 2), filed October 22, 1959. Applicant: BULK TRANSPORT, INC., 1007 Louisiana National Bank Building, Baton Rouge, La. Applicant's attorney: Harold R. Ainsworth, National Bank of Commerce Building, New Orleans 12, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, packages and bags, from Echo, Tex., to points in Louisiana, and *rejected shipments* of cement on return.

HEARING: May 12, 1960, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 32.

No. MC 117465 (Sub No. 6), filed August 14, 1959. Applicant: CLYDE REEVES, doing business as BEAVER EXPRESS, 1618 Texas, Woodward, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, except Class A and B explosives, between Perryton, Tex., and Spearman, Tex., over Texas Highway 15, serving all intermediate points. Applicant is authorized to conduct operations in Oklahoma and Texas.

HEARING: May 12, 1960, at the Herring Hotel, Amarillo, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 117574 (Sub No. 51), filed October 12, 1959. Applicant: DAILEY EXPRESS, INC., 65 West North Street, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic resin, plastic resin accelerators and inhibitor*, in bulk, in tank vehicles, and in containers, including U.S. Rubber Sealdtanks; and (2) *Plastic products*, between points in Pennsylvania north of U.S. Highway 42 and west of U.S. Highway 219 on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Ohio, Michigan, Indiana, and Kentucky. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 2, 1960, at the New Federal Building Pittsburgh, Pa., before Examiner Alfred B. Hurley.

No. MC 117937 (Sub. No. 1), filed December 19, 1958. Applicant: MELVIN BLOOM AND LAWRENCE MEYERS, doing business as BLOOM-MEYERS CO., 3117 Produce Row, Houston, Tex. Applicant's attorney: Jo E. Shaw, First National Bank Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, coffee beans, frozen fruits, frozen berries, frozen vegetables*, and *frozen seafoods*, between points in Alabama, Mississippi, Florida, Arizona, California, New Mexico, Colorado, Kansas, Oklahoma, Iowa, Illinois, and Minnesota.

HEARING: May 10, 1960, at the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before Examiner Abraham J. Essrick.

No. MC 117944 (Sub No. 1), filed December 19, 1958. Applicant: O. J. CARTER, 7125 Ilex, Houston, Tex. Applicant's attorney: Jo E. Shaw, First National Bank Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, frozen vegetables, frozen fruits, coconuts, coffee beans, frozen berries*, and *frozen seafoods*, between points in Louisiana, Texas, New Mexico, Arizona, California, Florida, Alabama, Mississippi, Arkansas, Colorado, Kansas, Oklahoma, Iowa, Illinois, Minnesota, Missouri, Tennessee, Georgia, and Kentucky.

HEARING: May 10, 1960, at the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before Examiner Abraham J. Essrick.

No. MC 117995 (Sub No. 2), filed December 9, 1959. Applicant: NEIL B. OLMSTED, E. B. OLMSTED AND ALVIN H. ANDERSON, doing business as REFRIGERATED TRUCK LINES, Route 3, Box 147, Mt. Vernon, Wash. Applicant's attorney: J. M. Hickson, Failing Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen foods*, all kinds, between points in Washington, Oregon, Idaho, California, Wyoming, Minnesota, Illinois, Nevada, Arizona, Montana, Colorado, Utah, New Mexico, Texas, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, Missouri, Iowa, Wisconsin, Michigan, Ohio, Indiana, Kentucky, Pennsylvania, New York, Massachusetts, and Florida.

NOTE: Common control may be involved.

HEARING: May 11, 1960, at the Interstate Commerce Commission, Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner J. Thomas Schneider.

No. MC 118168 (Sub No. 1), filed February 18, 1960. Applicant: M & H PRODUCE CO., INC., 740 North Houston, Fort Worth, Tex. Applicant's attorney: T. S. Christopher, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen french fried potatoes, frozen rissole potatoes, frozen potato puffs, frozen candied sweet potatoes, frozen whipped potatoes, frozen fried onion rings, frozen pre-cooked pouch-packed vegetables* in general and *frozen pre-cooked pouch-packed vegetables* with sauce in particular, *frozen juices and juice concentrates*, from points in California, Idaho, Washington and Oregon to points in Arkansas, Oklahoma, Louisiana, New Mexico, and Texas. *Rejected shipments* and *commodities* exempt under section 203(b)(6) on return.

HEARING: May 9, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Abraham J. Essrick.

No. MC 118625 (Sub. No. 1), filed October 13, 1959. Applicant: M. THORNTON, doing business as THORNTON'S GARAGE, P.O. Box 206, Truckee, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Wrecked or disabled automobiles, trucks, tractors, semitrailers, full trailers,* and *wrecked or disabled house trailers,* between points in California on and north of U.S. Highway 50 and points in Nevada on and north of U.S. Highway 6.

HEARING: May 20, 1960, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate before Examiner J. Thomas Schneider.

No. MC 118681, filed December 22, 1958. Applicant: EARL H. SNYDER, P.O. Box 52, Sierra Blanca, Tex. Applicant's attorney: John A. Langford, 511 Bassett Tower, El Paso, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas,* and *mixed fruit* and *vegetables* in the same vehicle with bananas, from El Paso and Laredo, Tex., and Los Angeles, Calif., to points in Texas, California, Arizona, New Mexico, Colorado, and Louisiana.

NOTE: The subject application was tendered under section 7 of the Transportation Act of 1958. As it was filed after the statutory date for filing applications under section 7 of that Act it will be handled as an application for authority under the applicable provisions of Part II of the Interstate Commerce Act.

HEARING: May 16, 1960, at the Hotel Paso Del Norte, El Paso, Tex., before Examiner John B. Mealy.

No. MC 118735, filed February 25, 1959. Applicant: ALFREDO JACQUEZ, doing business as JACQUEZ PRODUCE CO., 205 South Florence Street, El Paso, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas,* from El Paso, Tex., to Los Angeles, Calif. The subject application was tendered under section 7 of the Transportation Act of 1958. As it was filed after the statutory date for filing applications under section 7 of that Act it will be handled as an application for authority under the applicable provisions of Part II of the Interstate Commerce Act.

HEARING: May 16, 1960, at the Hotel Paso Del Norte, El Paso, Texas, before Examiner John B. Mealy.

No. MC 118838 (Sub No. 3), filed January 11, 1960, Applicant: GARRETT-GABOR CO., a Corporation, P.O. Box 36, St. Norbert, Manitoba, Canada. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Animal feeds and feed ingredients,* from points in Minnesota to ports of entry on the International Boundary Line between the United States and Canada in Minnesota, and *exempt commodities* on return.

HEARING: June 1, 1960, in Room 926 Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Joint Board No. 248.

No. MC 118880, filed April 20, 1959. Applicant: NEAL S. BROOKS, doing business as BROOKS SALES COMPANY, 4403 East 14th Street, Box 1104, Brownsville, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas,* on stalks, in bags, and *bananas,* loose, in boxes, between points in Louisiana, Texas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Wisconsin.

NOTE: The subject application was tendered under section 7 of the Transportation Act of 1958. As it was filed after the statutory date for filing applications under section 7 of that Act it will be handled as an application for authority under the applicable provisions of Part II of the Interstate Commerce Act.

HEARING: May 12, 1960, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Abraham J. Essrick.

No. MC 118880 (Sub No. 1), filed April 20, 1959. Applicant: NEAL S. BROOKS, doing business as BROOKS SALES CO., 4403 East 14th Street, Box 1104, Brownsville, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen fruits* and *frozen vegetables,* between points in Arizona, California, Florida, Oregon, Texas, Washington, Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, and Wisconsin.

NOTE: The subject application was tendered under section 7 of the Transportation Act of 1958. As it was filed after the statutory date for filing applications under section 7 of that Act it will be handled as an application for authority under the applicable provisions of Part II of the Interstate Commerce Act.

HEARING: May 13, 1960, at the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before Examiner Abraham J. Essrick.

No. MC 119175 (Sub No. 1), filed November 5, 1959. Applicant: DOUGLAS S. WHYTE AND TONY I. CENBRANO, a Partnership, doing business as MOLASSES TRUCK SERVICE, P.O. Box 2147, Stockton, Calif. Applicant's attorney: Francis X. Vieira, 22 North San Joaquin Street, Stockton, Calif. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid molasses,* in tank truck equipment, from Richmond and Stockton, Calif., to points in Nevada; and *empty containers or other such incidental facilities* used in transporting the above-described commodity, on return.

HEARING: May 23, 1960, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate before Examiner J. Thomas Schneider.

No. MC 119219 (Sub No. 1), filed February 5, 1960. Applicant: RAYMOND L. BURT, doing business as BURT DISTRIBUTING CO., 935 Florida SE., Albuquerque, N. Mex. Authority sought to operate as a *contract carrier,* by motor vehicle, over regular routes, transporting: *Meats, meat products, and meat by-products,* and *dairy products,* as listed in Sections A, B and C of Appendix I of the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, in vehicles equipped with temperature control devices, (1) between Albuquerque, N. Mex., and Las Vegas, N. Mex., from Albuquerque over U.S. Highway 85 to junction New Mexico Highway 422, thence over New Mexico Highway 422 to junction U.S. Highway 85, thence over U.S. Highway 85 to Santa Fe, N. Mex., thence continue over U.S. Highway 85 to Las Vegas, and return over the same route, serving all intermediate points, and the off-route points of Espanola and Los Alamos, N. Mex., (2) from Albuquerque, N. Mex., to Los Alamos, N. Mex., from Albuquerque over U.S. Highway 85 to junction New Mexico Highway 422, thence over New Mexico Highway 422 to junction U.S. Highway 85, thence over U.S. Highway 85 to Santa Fe, N. Mex., thence over U.S. Highway 285 to Espanola, N. Mex., thence over unnumbered New Mexico highway to junction New Mexico Highway 4, thence over New Mexico Highway 4 to junction unnumbered New Mexico highway, thence over said unnumbered New Mexico highway to Los Alamos, serving all intermediate points; and (3) from Albuquerque, N. Mex., to Gallup, N. Mex., over U.S. Highway 66, serving all intermediate points.

NOTE: In Route Nos. (2) and (3) above applicant proposes to furnish no transportation for compensation on return movements.

HEARING: May 26, 1960, at the Hilton Hotel, Albuquerque, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 119242, filed November 2, 1959. Applicant: VIRGINIA-TRUCKEE TRANSIT COMPANY, a Corporation, 1675 Mill Street, Reno, Nev. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except Classes A and B explosives, between Reno, Nev., and Yerington, Nev.: (1) From Reno over U.S. Highway 395 via Carson City, Nev., to junction Nevada Highway 3, thence over Nevada Highway 3 to Yerington; (2) From Reno over U.S. Highway 395 to Steamboat, Nev., thence over Nevada Highway 17 via Virginia City and Silver City, Nev., to junction U.S. Highway 50, thence over U.S. Highway 50 to Carson City, and thence to Yerington as specified above; and (3) From Reno to Virginia City as specified above, thence over unnumbered highway to Silver City, and thence to Yerington as specified above, and return over these routes to Reno, serving all intermediate points on the above-specified routes, and the off-route points of Genoa, Mason, and Dayton, Nev.

NOTE: Applicant states that no individual shipment of the above is to exceed 2,000 pounds.

HEARING: May 20, 1960, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 128, or, if the Joint Board waives its right

to participate before Examiner J. Thomas Schneider.

No. MC 119306, filed November 16, 1959. Applicant: GEORGE N. MANATOS, doing business as GEORGE MANATOS TRANSFER CO., 524 B Street, Rock Springs, Wyo. Applicant's attorney: Vincent A. Ross, 307–309 Majestic Building, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials* and *supplies* used in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; and (2) *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 Wyoming, Colorado, and Utah.

HEARING: May 12, 1960, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 280, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 119319, filed November 23, 1959. Applicant: E. A. TIPPITT, K. M. CRUMPLER, AND ELLA CRUMPLER, A Partnership, Doing business as TIP O TEXAS MOTOR FREIGHT LINES, 805 North Cage Street, Pharr, Tex. Applicant's attorney: Sid L. Hardin, Suite 12–13, First State Bank Building, Edinburg, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Starr, Hidalgo, Cameron, and Willacy Counties, Texas to points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, and Tennessee, and *exempt commodities*, on return.

HEARING: May 19, 1960, at the Hilton Hotel, San Antonio, Tex., before Examiner Abraham J. Essrick.

No. MC 119330, filed November 25, 1959. Applicant: H. N. RICE, Cubero, N. Mex. Applicant's attorney: Harold O. Waggoner, Simms Building, P.O. Box 1035, Albuquerque, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles*, including, but not limited to, *automobiles, trucks, tractors, trailers, semi-trailers, house trailers*, and *contents* thereof, between points in New Mexico, on the one hand, and, on the other, points in Colorado, Arizona, Utah, California, Texas, and Oklahoma.

HEARING: May 25, 1960, at the Hilton Hotel, Albuquerque, N. Mex., before Examiner Jerry F. Laughlin.

No. MC 119346, filed December 7, 1959. Applicant: RED CREST EXPRESS, INC., a Corporation, 501 North Douglas, Oklahoma City, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City, Okla. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Beer*, in bottles, kegs, or cans, *advertising and promotional material*, distributed in connection therewith, from Oklahoma City, Okla., to Muenster, Wichita Falls, Borger, and Amarillo, Tex., Roswell, Hobbs, Fort Sumner, Las Cruses, and Albuquerque, New Mex., and *empty containers* including *bottles* and *kegs*, on return.

NOTE: Applicant states that it will operate under a continuing contract with the Oklahoma City plant of Lone Star Brewing Co.

HEARING: May 5, 1960, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 210, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 119352, filed December 9, 1959. Applicant: CURTIS J. HEATON, Clearwater, Minn. Applicant's representative: A. R. Fowler, Associated Motor Carrier Tariff Bureau, 2288 University Avenue, St. Paul 4, Minn. 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 those requiring special equipment, between Minneapolis and St. Paul, Minn., and Clearwater, Minn.

HEARING: June 3, 1960, in Room 926 Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Joint Board No. 145.

No. MC 119427, filed January 13, 1960. Applicant: PAUL GILBERT, Kiester, Minn. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, operations will be seasonal, between January 1 and June 1; August 15 and October 15 of each year, transporting: *Commercial fertilizer*, from Mason City, Iowa, to Kiester, Minn.: From Mason City west to U.S. Highway 65, thence north on U.S. Highway 65 to its junction with U.S. Highway 18, thence west on U.S. Highway 18 to its junction with U.S. Highway 69, thence north on U.S. Highway 69 to its junction with unnumbered county road, thence northwest on unnumbered county road to the Iowa-Minnesota State line, thence north on Minnesota State Highway 22 to Kiester, serving no intermediate points.

HEARING: June 2, 1960, in Room 926 Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Joint Board No. 146.

No. MC 119439, filed January 19, 1960. Applicant: BERNARD W. CONKLIN, P.O. Box 242, Elsie, Mich. Applicant's attorney: Quentin A. Ewert, Union Saving and Loan Building, 117 West Allegan Street, Lansing 23, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream* and *condensed milk*, from Elsie, Mich., and points within seven (7) miles thereof to points in Ohio and *empty cans* and *empty trailers* used in transporting the specified commodities, on return.

NOTE: Applicant has a certificate in No. MC 114497, therefore dual operations may be involved.

HEARING: May 19, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 57.

No. MC 119445, filed January 22, 1960. Applicant: VIRGIL F. BUNGER, 704–D Stephens, Borger, Tex. Applicant's attorney: A. Curtis Neal, 432–434 Petroleum Building, Amarillo, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, containing sulphur and nitrogen solution, in tank vehicles, from the site of Phillips Canadian River Plant, located approximately one mile east of Texas Highway 15, and approximately 8 miles north of Borger, Texas, to Borger, Texas.

NOTE: Applicant states that the shipment will be transported in loads of approximately 5,000 gallons or 38,000 pounds to the load to the Santa Fe Railway Tracks in Borger, Texas, and there transferred to railroad tank cars.

HEARING: May 11, 1960, at the Herring Hotel, Amarillo, Texas, before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 119450, filed January 25, 1960. Applicant: BARSH TRUCK LINES, INC., 1219½ Main, Joplin, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, frozen fruit juices*, and *frozen fruit concentrates* in mixed truckloads with *canned citrus products*, from Bartow, Fla., and points within 50 miles thereof, to all points in Arkansas, Oklahoma, Kansas, Missouri, Iowa, and Nebraska (except Omaha and Lincoln), and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: May 16, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Parks M. Low.

No. MC 119463, filed January 28, 1960, Applicant: EUGENE FRANK SEBASTIAN, doing business as SEBASTIANS TRUCKING, 1345 Wm. Howard Taft Road, Cincinnati 6, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, including out-door furniture*, from Cincinnati, Ohio, to points in Indiana, Illinois, and Michigan, and *damaged and rejected shipments* of new furniture on return.

HEARING: May 17, 1960, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Warren C. White.

No. MC 119468, filed January 29, 1960. Applicant: JACK H. HARDER, doing business as ANCHOR CONTRACT HAULING, P.O. Box 124, Hurst, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Radio and radar structural installations*, including *towers, masts* and *reflectors* and *electrical substations*, and *metal parts* and *metal articles* for installation or use therein, between the plant sites of An-

chor Metals, Inc., a division of D. S. Kennedy Co., at or near Hurst, Tex., Fort Madison, Iowa, Anniston, Ala., and Cohasset, Mass., on the one hand, and, on the other, construction and project sites of Anchor Metals, Inc., located in the United States, including Alaska, but excluding Hawaii.

HEARING: May 6, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Abraham J. Essrick.

No. MC 119484, filed February 4, 1960. Applicant: CLYDE KINCADE, doing business as KINCADE TRUCK LINE, 302 Olive Street, Pocahontas, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal, dairy and poultry feed*, in bags, in truckloads of 10,000 pounds minimum, from St. Louis, Mo., and East St. Louis, Ill., to Pocahontas, Ark. (2) *Fertilizer*, in bags, in truckloads of 10,000 pounds minimum, from East St. Louis, Ill., to Pocahontas, Ark. (3) *Coal*, in bulk, from Millstadt, Ill., to Pocahontas, Ark. (4) *Seed*, in bags, from St. Louis, Mo., to Pocahontas, Ark.

NOTE: Applicant transports *exempt ordinary livestock* northbound to St. Louis, Mo., and East St. Louis, Ill., and foregoing commodities will be handled on return.

HEARING: May 17, 1960, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 243.

No. MC 119487, filed February 8, 1960. Applicant: APEX GRAIN, INC., Box 168, Cromwell, Ind. Applicant's attorney: Donald W. Smith, 511 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed* and *feed ingredients*, in bulk and in bags, (a) from points in Illinois, Indiana, and Ohio to points in New York and Pennsylvania; and (b) from points in Illinois and Indiana to points in New York, Ohio, and Pennsylvania; (2) *Agricultural baler and binder twine*, from Philadelphia, Pa., to points in Indiana and Ohio; and (3) *Oyster shells*, from Baltimore, Md., to points in Illinois, Indiana, Ohio, and Pennsylvania.

NOTE: Dual operations under section 210 and common control may be involved.

HEARING: May 6, 1960, at the New Federal Building, Pittsburgh, Pa., before Examiner Alfred B. Hurley.

No. MC 119500, filed February 15, 1960. Applicant: GEO GRIFALL & SONS TRUCKING CO. (corporation), 385 Kietzke Lane (P.O. Box 1141), Reno, Nev. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 3, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *rock, gravel, sand, cinders, pumice, cement, and other road building and construction materials*, moving in bottom hopper dump truck and trailer equipment, between points in Ormsby, Storey, Douglas, Lyon, and Washoe Counties, Nev., on the one hand, and, on the other, points in Lassen, Plumas, Sierra, Nevada, Placer, El Dorado, Mono, Alpine, and Amador Counties, Calif.

HEARING: May 24, 1960, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate before Examiner J. Thomas Schneider.

No. MC 119535, filed February 25, 1960. Applicant: MAURICE TUCKER, 959 Myrtlewood Drive, Jackson, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Mississippi, Arkansas, and Louisiana.

NOTE: Applicant has a pending contract carrier application under MC 118559. Dual authority under section 210 may be involved.

HEARING: May 5, 1960, at the Robert E. Lee Hotel, Jackson, Mississippi, before Joint Board No. 218.

No. MC 119555, filed March 3, 1960. Applicant: OIL INDUSTRY SUPPLIERS, LTD., 506 Archbald Street, St. Boniface, Manitoba, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soybean*, in bulk, in tank vehicles, from Belmond, Iowa, to the International boundary line between the United States and Canada, at Noyes, Minn., and (2) *petro chemicals and solvents* from Wood River, Ill., and Minneapolis, Minn., to the International boundary line between the United States and Canada at Noyes, Minn.

HEARING: June 2, 1960, in Room 926 Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Joint Board No. 144.

No. MC 120020 (Sub No. 2), filed February 8, 1960. Applicant: MARVIN E. HOUGLAND, Grass Valley Road, P.O. Box 304, Winnemucca, Nev. Applicant's attorney: D. M. Leighton, Professional Building, Winnemucca, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including household goods as defined by the Commission* and *commodities in bulk*, and except commodities of unusual value, Classes A and B explosives and commodities requiring special equipment, between Winnemucca, Nev., and Burns, Oreg.: from Winnemucca over U.S. Highway 95 to junction Nevada Highway 8A, thence over Nevada Highway 8A to the Nevada-Oregon State line, thence over unnumbered Oregon highway, via Fields, Andrews, Alvord Ranch, Alberson and Follyfarm to junction Oregon Highway 78, and thence over Oregon Highway 78 to Burns, and return over the same route, serving all intermediate points between Sod House, Nev. and Alvord Ranch, Oreg., and all off-route points (1) within 25 miles of the specified routes in that portion of Humboldt County, Nev. lying west of U.S. Highway 95 and north of U.S. Highway 40, and (2) within 25 miles of the specified routes in that portion of Harney County, Oreg., lying south and west of Oregon Highway 78.

NOTE: Applicant is authorized to conduct operations under the Second Proviso of section 206(a)(1) transporting passengers, in MC 120019 and property, in MC 120020. Applicant states that if and when the instant application is granted, it will request cancellation of the second proviso filings.

HEARING: May 25, 1960, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 297, or, if the Joint Board waives its right to participate before Examiner J. Thomas Schneider.

No. MC 120312 (Sub No. 2), filed November 16, 1959. Applicant: ANDERSON DEVELOPMENT CORP., 600 Coal Avenue SW., Albuquerque, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump trucks, from Reid, N. Mex., to the site of Kermac Nuclear Fuels Corporation mill at or near Ambrosia Lake, in McKinley County, N. Mex. Applicant is authorized to conduct operations in New Mexico.

NOTE: Applicant indicates the shipments have a prior movement by rail, originating outside of New Mexico.

HEARING: May 26, 1960, at the Hilton Hotel, Albuquerque, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

MOTOR CARRIERS OF PASSENGERS

No. MC 44770 (Sub No. 9), filed November 18, 1959. Applicant: ZEPHYR LINES, INC., 501 North Seventh Street, Minneapolis 5, Minn. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between Minneapolis, Minn., and Waseca, Minn.: from Minneapolis over U.S. Highway 65 to junction Minnesota Highway 13 thence over Minnesota Highway 13 to junction Minnesota Highway 101, thence west over Minnesota Highway 101 to Savage, thence return over unnumbered township road to Minnesota Highway 13, and thence over Minnesota Highway 13 to Waseca, and return over the same route, serving the intermediate points of Savage, Prior Lake, Spring Lake, Lydia, St. Patrick, New Prague, Montgomery, Kilkenny Crossing, and Waterville, Minn. Applicant is authorized to conduct operations in North Dakota, South Dakota, Minnesota, Wisconsin, and Michigan.

HEARING: May 31, 1960, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Joint Board No. 145.

No. MC 109148 (Sub No. 12), filed February 12, 1960. Applicant: LAS VEGAS-TONOPAH-RENO STAGE LINE, INC., 917 Stewart Street, Las Vegas, Nev. Applicant's attorney: Wm. J. Crowell, P.O. Box 1000, Carson City, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Incline, Nev., and junction U.S. Highways 395 and 50, near Stewart, Nev.: from Incline south over

Nevada Highway 28 to junction U.S. Highway 50, and thence east over U.S. Highway 50 to its junction with U.S. Highway 395 near Stewart, and return over the same route, serving all intermediate points.

HEARING: May 27, 1960, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 128, or, if the Joint Board waives its right to participate before Examiner J. Thomas Schneider.

No. MC 112132 (Sub No. 4), filed December 21, 1959. Applicant: COUNTRY CLUB BUS LINES, INC., 711 West Main Street, El Paso, Tex. Applicant's attorney: H. O. Waggoner, Simms Building, P.O. Box 1035, Albuquerque, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express, newspapers* and *mail*, between Las Cruces, N. Mex., and El Paso, Tex., from Las Cruces over U.S. Highway 80 to the intersection of Interstate Highway 10, thence over Interstate Highway 10 to El Paso, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in New Mexico and Texas.

HEARING: May 19, 1960, at the Hotel Paso Del Norte, El Paso, Tex., before Joint Board No. 33, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 112934 (Sub No. 1), filed December 8, 1959. Applicant: AUTOBUSES INTERNACIONALES S. de R. L., a Corporation, 610 North Stanton Street, El Paso, Tex. Applicant's attorneys: Joseph L. Dunigan *and* Gerald B. Shifrin, First National Building, El Paso, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, EASTERLY ROUTE: Between El Paso, Tex., and the International Boundary line between the United States and Mexico, near Tornillo, Tex., from the Santa Fe Street Bridge in El Paso, Tex., in a northerly direction over Santa Fe Street to Paisano Drive, thence east over Paisano Drive to Oregon Street, thence north over Oregon Street to Yandell Boulevard, thence east over Yandell Boulevard to Piedras Street, thence north over Piedras Street to Montana Street, thence east over Montana Street to Hawkins Way, thence south over Hawkins Way to Paisano Drive or (U.S. Highway 80 East) over U.S. Highway 80 East in an easterly direction through the town of Ysleta, Tex., over said U.S. Highway 80 East to the town of Socorro, Tex., thence over Farm Road 258 to the town of San Elizario, Tex., thence over Farm Road 110 to the town of Clint, Tex., thence over U.S. Highway 80 East to the town of Fabens, Tex., thence continue over U.S. Highway 80 East to Tornillo, Tex. (at or near the port of entry on the International Boundary line between the United States and Mexico), thence over Farm Road 1109 to the International Boundary line between the United States and Mexico, and return over the same route, serving all intermediate points; WESTERLY ROUTE: Between the International Boundary line between the United States and Mexico near Tornillo, Tex., and El Paso, Tex., from the International Boundary line between the United States and Mexico near Tornillo, Tex., over Farm Road 1109 to Tornillo, Tex. (port of entry on the International Boundary line between the United States and Mexico), thence west over U.S. Highway 80 East to the town of Fabens, Tex., through the town of Fabens West over U.S. Highway 80 East to the town of Clint, Tex., thence through the town of Clint and South over Farm Road 110 to San Elizario, Tex., thence west over Farm Road 258 to Socorro, Tex., thence west through the town of Socorro over the same Farm Road 258 to the town of Ysleta, Tex., thence through the town of Ysleta over U.S. Highway 80 East to El Paso, thence continue over U.S. Highway 80 East or (Paisano Drive) to Copia Street, thence north over Copia Street to Montana Street, thence west over Montana Street to Oregon Street, thence south over Oregon Street to Paisano Drive, thence west over Paisano Drive to Santa Fe Street, thence south over Santa Fe Street to the Santa Fe Bridge in El Paso, and return over the same route, serving all intermediate points; and NORTH AND SOUTH ROUTE: Between the International Boundary line between the United States and Mexico, and Ysleta, Tex., over Zaragoza Road, serving all intermediate points.

NOTE: Applicant states that express, mail, newspapers, and baggage will be transported in separate vehicles.

HEARING: May 18, 1960, at the Hotel Paso Del Norte, El Paso, Tex., before Joint Board No. 294, or, if the Joint Board waives its right to participate, before Examiner John B. Mealy.

No. MC 115030 (Sub No. 4), filed December 24, 1959. Applicant: W. R. CHESTER, doing business as TRENTON-ST. JOSEPH COACHES, 1801 South Ninth, St. Joseph, Mo. Applicant's attorney: Joseph H. French, V.F.W. Building, 214 West Sixth Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *mail, newspapers* and *express* in the same vehicle with passengers, between Oskaloosa, Kans., and Topeka, Kans.: from Oskaloosa over Kansas Highway 92, via Ozawkie, Kans., to junction Kansas Highway 4 (near Rock Creek, Kans.), thence over Kansas Highway 4, through Meriden, to junction U.S. Highway 75, and thence over U.S. Highway 75 to Topeka, and return over the same route, serving all intermediate points. Applicant is authorized to conduct similar operations over regular routes between St. Joseph and Cameron, Mo., between Cameron and Trenton, Mo., and between St. Joseph, Mo., and Topeka, Kans., serving all intermediate points.

HEARING: May 27, 1960, at the Hotel Kansan, Topeka, Kans., before Joint Board No 52, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 117659 (Sub No. 3), filed February 25, 1960. Applicant: WISCONSIN-MICHIGAN TRANSIT LINES CO., INC., 476 North Fifth Avenue, Sturgeon Bay, Wis. Applicant's attorney: Warren A. Grady, 114 East Main Street, Port Washington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Iron River, Mich., and Iron Mountain, Mich., from Iron River over U.S. Highway 2 to Iron Mountain, and return over the same route, serving the intermediate and off-route points of Ice Lake, Mapleton, Fortune Lake, Crystal Falls, and Twin Falls, Mich., and Brule River, Florence, Commonwealth, and Spread Eagle, Wis.

HEARING: May 24, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 95.

No. MC 119387, filed December 28, 1959. Applicant: BARRETT TRANSPORTATION, INC., 735 Harrison Street, San Francisco, Calif. Applicant's attorney: Charles F. Schroth, 465 California Street, San Francisco 4, Calif. 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 or charter operations, beginning and ending at points in the City and County of San Francisco, and points in Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma Counties, Calif., and extending to points in Nevada.

HEARING: May 16, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12563 (Sub No. 2), filed October 23, 1959. Applicant: CLAYTON A. WERY, doing business as WERY TRAVEL SERVICE, 1827 West Morgan Avenue, Milwaukee 15, Wis. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. For a license (BMC 5) authorizing operations as a *broker* at Milwaukee, Wis., in arranging for transportation in interstate or foreign commerce, by motor vehicle of (1) *Passengers and their baggage*, in special or chartered service, all expense tours, beginning and ending at Milwaukee, Wis., and extending to points in the United States including Alaska; (2) *passengers and their baggage*, in all expense tours, beginning and ending at Milwaukee, Wis., and extending to points in the United States including Alaska; (3) *individual passengers and their baggage*, in both regular route and special bus operations by common carriers by motor vehicle, between points in the United States including Alaska. Applicant is authorized to transport passengers and their baggage, in charter service, in round trip tours beginning and ending at Milwaukee, Wis., and extending to points in Illinois.

HEARING: May 27, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 12722, filed January 20, 1960. Applicant: JOSEPH J. NADOLNY AND JOSEPHINE NADOLNY, doing business

as JOE-JOE CO., 2946 North Humboldt Street, Milwaukee 12, Wis. Applicant's attorney: Robert M. Curley, 110 East Wisconsin Avenue, Milwaukee 2, Wis. Authority sought to operate as a *BROKER (BMC 5)*, at Milwaukee, Wis., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of: *Passengers and their baggage*, beginning and ending at Milwaukee, Wis., and extending to points in the United States, including Ports of Entry on the boundaries between the United States and Canada and the United States and Mexico.

HEARING: May 25, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 12726, filed March 9, 1960. Applicant: WAUWATOSA TRAVEL BUREAU, INC., 7024 West North Avenue, Wauwatosa 13, Wis. Authority sought to operate as a *broker* (BMC 5), at Wauwatosa, Wis., in arranging for transportation in interstate or foreign commerce by motor vehicle, of: *Passengers and their baggage* in charter operations, beginning and ending at Milwaukee, Wis., and extending to Chicago, Ill.

NOTE: Applicant states it proposes to arrange for the transportation of groups of passengers and individual passengers in one-day package tours for the purpose of attending theater performances, concerts, shows, etc.

HEARING: May 24, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub No. 1647), filed March 9, 1960. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Spooner, Wis., and Solon Springs, Wis., from Spooner over U.S. Highway 53 to Solon Springs, and return over the same route, serving the intermediate point of Minong, Wis. The application indicates that service to be rendered will be limited to such as is auxiliary to or supplemental of rail or air express service. Shipments to be transported shall be limited to those moving on a through bill of lading or express receipt.

No. MC 66562 (Sub-No. 1649), filed March 14, 1960. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Tulsa, Okla., and Madill, Okla., from Tulsa over U.S. Highway 169 to Okmulgee, Okla., thence over U.S. Highway 75 through Henryetta, Weleetka and Wetumka, Okla., to junction Oklahoma Highway 84, thence over Oklahoma Highway 84 through Holdenville, Okla., to junction Oklahoma Highway 56, thence over Oklahoma Highway 56 to junction Oklahoma Highway 99, thence over Oklahoma Highway 99 to Ada, Okla., thence over Oklahoma Highway 12 through Roff and Mill Creek, Okla. ,to junction U.S. Highway 70, thence over U.S. Highway 70 to Madill, and return over the same route, serving the intermediate points of Okmulgee, Henryetta, Weleetka, Wetumka, Holdenville, Ada, Roff, and Mill Creek, Okla. The application indicates restrictions as follows: The service to be performed by applicant shall be limited to that which is auxiliary to or supplemental of rail or air express service. Shipments transported by said carrier destined to or originating at points beyond Tulsa, Okla., shall be limited to those having an immediate prior or subsequent rail or air haul. Owing to the regular volume of traffic moving out of Tulsa, Okla., to points along the proposed route, the standard prior or subsequent rail or air haul shall not be applicable to such traffic.

No. MC 98349 (Sub No. 3), filed March 11, 1960. Applicant: JOE C. HUNT, doing business as HUNT TRUCK LINE, Blanding, Utah. Applicant's attorney: Henry D. Pugsley, Continental Bank Building, Salt Lake City 1, Utah. 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, between Blanding, Utah, and the Industrial Uranium Corporation mine in Monument Valley, Ariz., approximately 12 miles south of the Utah-Arizona State line, and points within five (5) miles thereof: from Blanding south over Utah Highway 47 to the Arizona-Utah State line, and thence southwesterly over an unnumbered Navajo Indian road to the Industrial Uranium Corporation mine, and points within five miles in Arizona of the Industrial Uranium mine, and return over the same route.

No. MC 108973 (Sub No. 5), filed March 10, 1960. Applicant: INTERSTATE EXPRESS, INC., 2334 University Avenue, St. Paul 14, Minn. Applicant's attorney: W. D. Knowles, New Richmond, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Citrus juices*, in bulk, in insulated and refrigerated vehicles, from points in Texas, to points in Illinois, Iowa, Missouri, and Minnesota for Central States Processors, Inc., and *fluid milk and dairy products*, on return.

No. MC 110593 (Sub No. 9) filed March 12, 1960. Applicant: MOBILE HOMES TRANSPORT, INC., 2650 Lincoln Way, Ames, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings and Loan Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agriculture crop dryer*, in specially constructed shipper owned trailers, from the plant site of Lennox Industries, Inc., at or near Des Moines, Iowa, to points in Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin, and *empty shipper-owned trailers* from the above destination points, to the above origin points.

No. MC 119513 (REPUBLICATION), filed February 16, 1960, published in the FEDERAL REGISTER, issue of March 2, 1960. Applicant: HARRY EUGENE DEVILBISS, doing business as DEVILBISS TRUCK SERVICE, Post Office, Uniontown, Md. Applicant's representative: Donald E. Freeman, Uniontown Road, Box 24, Westminster, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cottonseed meal*, in truckloads, from Goldsboro, Raleigh, and Rocky Mount, N.C.; (2) *Peanut meal*, in truckloads, from Suffolk, Va.; (3) *Soybean meal*, in truckloads, from Bellevue, Delphas and Rossford, Ohio; (4) *Citrus pulp*, in truckloads, from points in Florida, to points in Carroll, Frederick, Harford, Howard, and Montgomery Counties, Md.; and *to* points in Adams, Berks, Bucks, Carbon, Centre, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Huntington, Lancaster, Lebanon, Lehigh, Lycoming, Mifflin, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Snyder, and Washington Counties, Pa.

NOTE: The purpose of this republication is to correct the word *from* to read *to* as shown in (4) above.

No. MC 119584, filed March 15, 1960. Applicant: LEON R. SIENKNECHT, doing business as SIENKNECHT TRUCK LINE, Lincoln, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings and Loan Building, Des Moines 9, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products and articles* as are encased therein, from Reinbeck, Iowa, to points in Minnesota, Nebraska, Missouri, Illinois, Indiana, Ohio, Wisconsin, and Michigan; and *basic or raw plastic materials* and *rejected or damaged plastic products* and *such articles* as are encased therein, from the above-specified destination territory to Reinbeck, Iowa.

MOTOR CARRIER OF PASSENGERS

No. MC 113430 (Sub No. 7), filed March 15, 1960. Applicant: R. & H. BUS CO., INC., Room 2211, 625 Eighth Avenue, New York 18, N.Y. Applicant's attorney: John R. Sims, Jr., 600 Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between Danbury, Conn., and the Intersection of Tuckahoe Road and New York Thruway: from Danbury over U.S. Highway 6 to Brewster, N.Y., thence over U.S. Highway 202 to junction New York Highway 100, thence over New York Highway 100 to junction New York Highway 9–A, thence over New York Highway 9–A to

junction New York Highway 119, thence over New York Highway 119 to junction access road of Elmsford Interchange (#8) on the New York Thruway, thence over said access road to junction New York Thruway, and thence over the New York Thruway to junction Tuckahoe Road and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized operations between Hartford, Conn., and New York, N.Y.

PETITION

No. MC 82336 (Sub No. 19), (PETITION FOR MODIFICATION OF INTERIM PERMIT), filed March 11, 1960. Petitioner: UNITED PARCEL DELIVERY, INC., Youngstown 2, Ohio. Petitioner's attorneys: Sanborn, Teichmoeller & Brandon, 808 Hartman Building, Columbus 15, Ohio. An Interim Permit issued in the above-entitled proceeding authorized petitioner to conduct motor carrier operations as a *contract carrier*, over irregular routes, transporting: *Such commodities* as are dealt in by mill supply houses and by wholesale and retail hardware houses, from Warren, Ohio, to points in Beaver, Butler, Crawford, Erie, Lawrence, Mercer, and Venango Counties, Pa., with no transportation for compensation except as otherwise authorized. The operations were limited to a transportation service to be performed under a continuing contract or contracts with The Trumbull Supply and Manufacturing Co. of Warren, Ohio. Petitioner seeks modification of the authority in Permit No. MC 82336 (Sub No. 19) to include service for the following additional party: Trumbull Plumbing Supply Company, Inc., Youngstown, Ohio. Any person or persons desiring to oppose the requested modification may file representations for that purpose within 30 days from the date of this publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 20053 (Sub No. 11) (Republication), filed March 2, 1960, published in FEDERAL REGISTER, issue of March 16, 1960. Applicant: HUFF TRUCK LINE, INC., Baton Rouge, La. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 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 commodities requiring special equipment, (1) Between Baton Rouge, La., and New Orleans, La., over U.S. Highway 61 serving all intermediate points, (2) between New Orleans, La., and Darrow, La., from New Orleans to Kenner, La., over U.S. Highway 61, thence over Louisiana Highway 48 to junction U.S. Highway 48 and U.S. Highway 61, thence over U.S. Highway 61 to junction Louisiana Highway 44, thence over Louisiana Highway 44 to Burnside, thence over Louisiana Highway 22 to Darrow, La., (3) between Port Allen, La., and Baton Rouge, La., from Port Allen, La., to junction U.S. Highway 190 over Louisiana Highway No. 1; thence over U.S. Highway 190 to Baton Rouge, La., (4) between Port Allen, La., and Baton Rouge over Mississippi Ferry, (5) Between Gonzales, La., and Burnside, La., over Louisiana Highway 44 (formerly La. 88), (6) between Sorrenton, La., and Burnside, La., over Louisiana Highway 22, (7) between Greensburg, La., and Baton Rouge over Louisiana Highway 37, (8) between Baton Rouge, La., and Denham Springs, La., restricted to the transportation of interchange freight received at Baton Rouge, La., (9) between Baton Rouge, La., and Greenwell Springs, La., over Louisiana Highway 408 serving all intermediate points, (10) between Baton Rouge, La., and Darrow, La., from Baton Rouge, La., to Darrow, La., over Louisiana Highway 30, from junction U.S. Highway 61 and Louisiana Highway 73 to junction Louisiana Highway 73 and Louisiana Highway 30 service to be authorized to and from all intermediate points and (11) between Greensburg, La., and Gonzales, La., from Greensburg, La., to Pine Grove, La., over Louisiana Highway C–1482; thence to Port Vincent, La. (over Denham Springs over Louisiana Highway 16), thence to junction Louisiana Highway 42 and Louisiana Highway 44 over Louisiana Highway 42; thence to Gonzales, La., over Louisiana Highway 44.

NOTE: The purpose of this republication is to exclude routes 3 and 4 previously published in error. The routes have now been renumbered. (This application is directly related to MC–F–7474).

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 7471 (McDUFFEE MOTOR FREIGHT, INC. — CONTROL — CUMBERLAND MOTOR FREIGHT, INC.) published in the March 16, 1960, issue of the FEDERAL REGISTER on page 2190. Application filed March 16, 1960, for temporary authority under section 210a(b).

No. MC–F 7479. Authority sought for purchase by VALLEY MOTOR LINES, INC., 2470 South Cherry Street, Fresno, Calif., of the operating rights and property of PIERCE FREIGHT LINES, INC., 2825 Northwest Yeon Avenue, Portland 10, Oreg., and for acquisition by CONSOLIDATED COPPERSTATE LINES, 2163 East 14th Street, Los Angeles, Calif., and, in turn, by HORACE W. STEELE, 546 West Madison, Phoenix, Ariz., of control of such rights and property through the purchase. Applicants' attorneys: Reagan Sayers, Century Life Building, Fort Worth, Tex., and William P. Ellis, Equitable Building, Portland, Oreg. Operating rights sought to be transferred: *General commodities*, except bulk petroleum products, as a *common carrier* over regular routes, between Albany, Oreg., and Junction City, Oreg., and between Albany, Oreg., and Sweet Home, Oreg., serving certain intermediate and off-route points; alternate route for operating convenience only between Corvallis, Oreg., and Portland, Oreg.; *general commodities*, except commodities in bulk, between Portland, Oreg., and San Francisco, Calif., between Sutherlin, Oreg., and Roseburg, Oreg., between Hayward, Calif., and San Francisco, Calif., between Weed, Calif., and Goshen, Oreg., between Portland, Oreg., and junction Oregon Highway 51 and U.S. Highway 99E, between junction U.S. Highway 99 and Oregon Highway 164 at a point north of Jefferson, Oreg., and junction U.S. Highway 99 and Oregon Highway 164, at a point south of Jefferson, Oreg., between Eugene, Oreg., and junction U.S. Highway 99 and Oregon Highway 225, at or near Goshen, Oreg., between Anlauf, Oreg., and junction U.S. Highway 99 and Oregon Highway 235, and between Oakland, Oreg., and Shady Point, Oreg., serving certain intermediate and off-route points, the authority covering the last five routes, to the extent it authorizes the transportation of explosives, being limited in point of time to a period expiring five years after April 26, 1957; *general commodities*, between Medford, Oreg., and the site of Camp White, U.S. Army, at or near Eagle Point, Oreg., between Central Point, Oreg., and the site of the above-specified Army Camp, and between Gold Hill, Oreg., and the above-specified Army Camp, serving no intermediate points; *general commodities*, except commodities in bulk and household goods as defined by the Commission, when moving in shipments exceeding 1,000 pounds in weight, between Grants Pass, Oreg., and Crescent City, Calif., serving all intermediate points, the off-route points of Holland and Takilma, Oreg., and Patricks Creek, Calif., and points within ten miles of Crescent City, except those south of Crescent City which are on or within one mile of U.S. Highway 101; *general commodities*, excepting, among others, household goods and commodities in bulk, between San Francisco, Calif., and San Jose, Calif., between Oakland, Calif., and San Jose, Calif., between Mt. Eden, Calif., and San Mateo, Calif., and between Centerville, Calif., and Palo Alto, Calif., serving certain intermediate points and restricted to shipments transported by carrier to and from points outside of California. Vendee is authorized to operate as a *common carrier* in California. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7480. Authority sought for merger into DAIRY TRANSPORT CO., 852 McGrath Highway, Somerville, Mass., of the operating rights and property of EASTERN TANK LINES, INC., 852 McGrath Highway, Somerville, Mass., and for acquisition by DEXTER LISHON, Front and Pennell Streets, Chester, Pa., PHYLLIS L. BURLEY and PAULINA L. COWEN, both of Somerville, of control of such rights and property through the transaction. Applicants' attorney: Harry C. Ames, Jr., 216

Transportation Building, Washington 6, D.C. Operating rights sought to be merged: *Fuel oils* and *gasoline*, in bulk, in tank vehicle loads, as a *common carrier* over regular routes, from Boston, Mass., to Concord, N.H., from Boston, Mass., to Keene, N.H., from Chelsea, Mass., to Concord, N.H., from Chelsea, Mass., to Hampton, N.H., from Chelsea, Mass., to Keene, N.H., from Chelsea, Mass., to Manchester, N.H., from Chelsea, Mass., to Peterborough, N.H., from Everett, Mass., to Keene, N.H., from Everett, Mass., to Tilton, N.H., from Fall River, Mass., to East Douglas, Gardner, and Milford, Mass., from Tiverton, R.I., to East Douglas, Mass., from Tiverton, R.I., to Falmouth, Mass., from Tiverton, R.I., to Franklin, Mass., and from Tiverton, R.I., to Woonsocket, R.I., serving certain intermediate points; *petroleum products*, in bulk, in tank vehicles, from Waltham, Mass., to Manchester and Peterborough, N.H., serving no intermediate points; *petroleum products*, in bulk, in tank vehicles, over irregular routes, from Fall River, Mass., to Manchester, N.H.; *petroleum products*, except gasoline, fuel oil, medicinal petroleum products, and liquid wax, in bulk, in tank vehicles, from Sewaren, N.J., to points in Essex, Middlesex, Norfolk, Suffolk and Worcester Counties, Mass. Vendee is authorized to operate as a *common carrier* in New Hampshire, Maine, Vermont, Massachusetts, Connecticut, and Rhode Island. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7481. Authority sought for purchase by CLARMONT TRANSFER CO., 1803 Seventh Avenue North, Escanaba, Mich., of the operating rights and property of OAKLEY R. ROWE (GERTRUDE A. ROWE, ADMINISTRATRIX), JOHN E. ROWE AND HENRY W. ROWE, doing business as ROWE TRANSPORTATION LINE, 1201 Atlantic Street, Hancock, Mich. Applicants' attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. 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 Houghton, Mich., and Mohawk, Mich., between Lake Linden, Mich., and Gay, Mich., between Mohawk, Mich, and Gay, Mich., between Mohawk, Mich., and Eagle River, Mich., between Mohawk, Mich., and Eagle Harbor, Mich., between Mohawk, Mich., and Copper Harbor, Mich., between Hancock, Mich., and L'Anse, Mich., and between Hancock, Mich., and Painesdale, Mich., serving certain intermediate points. Vendee is authorized to operate as a *common carrier* in Wisconsin, Michigan, and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7482. Authority sought for control and merger by BYERS TRANSPORTATION COMPANY, INC., 4200 Gardner, Kansas City 20, Mo., of the operating rights and property of FREIGHT WAYS, INC., 1309 North Mosley, P.O. Box 605, Wichita, Kans., and for acquisition by HARRY BYERS, PAUL H. BYERS, CONSTANCE BYERS REITZES and ROBERT BYERS, all of Kansas City, of control of such rights and property through the transaction. Applicants' attorneys: Lowell L. Knipmeyer, 900 Waltower Building, Kansas City, Mo., and Roland Rice, 618 Perpetual Building, Washington, D.C. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Oklahoma City, Okla., and Chicago, Ill., between Oklahoma City, Okla., and Springfield, Ill., between Wichita, Kans., and Springfield, Mo., and between Kingdom City, Mo., and St. Louis, Mo., serving certain intermediate and off-route points; eastbound service on the last route is restricted to movement of empty motor vehicles; westbound service on this route is authorized at St. Louis, and points in the ST. LOUIS, MO.-EAST ST. LOUIS, ILL. COMMERCIAL ZONE, as defined by the Commission, restricted to pickup only, except that no traffic destined to the CHICAGO COMMERCIAL ZONE shall be picked up in the ST. LOUIS COMMERCIAL ZONE, supra, for transportation via or interchange at Kingdom City; service over all of the above-specified routes is restricted against the transportation of traffic moving between Kansas City, Kans., and Kansas City, Mo., on the one hand, and, on the other, points in the ST. LOUIS, MO.-EAST ST. LOUIS ILL., COMMERCIAL ZONE, except for the interchange of traffic originating at, or destined to, points west of Kansas City, Kans.; two alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between certain points in Kansas, on the one hand, and, on the other, certain points in Oklahoma, Missouri and Illinois, and between certain points in Oklahoma, on the one hand, and, on the other, certain points in Kansas, Missouri, and Illinois; *clothing*, from Kankakee, Ill., to points named or described under the foregoing authorization to transport general commodities, with exceptions, over irregular routes; *canned goods and groceries*, from De Kalb, Norton, and Rochelle, Ill., to points named or described under the foregoing authorization to transport general commodities, with exceptions, over irregular routes; *farm implements and machinery and parts thereof, and automobile parts*, from Canton, Moline, and Peoria, Ill., to points in Kansas and Oklahoma named or described under the foregoing authorization to transport general commodities, with exceptions, over irregular routes, and to those in the ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE, supra. BYERS TRANSPORTATION COMPANY, INC., is authorized to operate as a *common carrier* in Missouri, Kansas and Illinois. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 7477. Authority sought for purchase by VALLEY TRAILWAYS, INCORPORATED, 401 East Water Street, Charlottesville, Va., of portions of the operating rights of QUEEN CITY COACH COMPANY, 417 West Fifth Street, Charlotte, N.C., VIRGINIA STAGE LINES, INCORPORATED, 401 East Water Street, Charlottesville, Va., and SMOKY MOUNTAIN STAGES, INCORPORATED, 417 West Fifth Street, Charlotte, N.C., and for acquisition by QUEEN CITY COACH COMPANY (in turn by JOEL W. WRIGHT, SR., MRS. PEARL C. WRIGHT, and GUY D. CARPENTER, all of Asheville, N.C., WAYNE WRIGHT, Atlanta, Ga., E. E. BOST, Newton, N.C., W. E. SMITH, W. E. SMITH, JR., and SAMUEL McMANUS, all of Albermarle, N.C., LILLIAN H. HARDISON, J. A. HARDISON, JR., and EDWARD HOOPER HARDISON, all of Wadesboro, N.C., JAMES F. MARTIN and BETTY B. MARTIN, both of Charlotte, N.C., MRS. MARGIE ROWLAND and MRS. JAMES EDMUND CROSS, both of Wilmington, N.C.), and VIRGINIA STAGE LINES, INCORPORATED (in turn by VIRGINIA PEPSI COLA BOTTLING CO., CLAUDE A. JESSUP, JAMES L. JESSUP, S. A. JESSUP, BETTY SUE JESSUP and MARY JESSUP, all of Charlottesville, Va.), of control of such rights through the purchase. Applicants' attorney: Samuel Behrends, Jr., General Counsel, Queen City Coach Company, P.O. Box 2387, Charlotte, N.C. Operating rights sought to be transferred: *Passengers and their baggage, mail, newspapers* and *light express*, as *common carriers* over regular routes, (QUEEN) from Galax, Va., over State Highway No. 89 to its junction with State Highway No. 18, thence over State Highway No. 18 to Sparta, N.C., thence over State Highway No. 88 via Laurel Springs and Jefferson, N.C., to its junction with an unnumbered road near Creston, N.C., thence over the unnumbered road to Shouns, Tenn., thence over U.S. Highway No. 421 to Mountain City, Tenn., thence over State Highway No. 67 to Johnson City, Tenn., via Hampton and Elizabethton, thence over State Highway No. 11E to Jonesboro, Tenn., thence over State Highway No. 81 to Embreeville, thence over State Highway No. 107 to Tusculum, thence over U.S. Highway No. 11E to Greeneville, Tenn., and return over the same route, and from Winston-Salem, N.C., over an unnumbered road via Lewisburg to Courtney, N.C., thence over U.S. Highway No. 601 to Boonville, N.C., thence over State Highway No. 67 to Elkin, N.C., thence over State Highway No. 268 to North Wilkesboro, N.C., thence over State Highway No. 16 to Jefferson, N.C., and return over the same route; (VIRGINIA) from Roanoke over U.S. Highway No. 221 to Galax, Va., and return over the same route, serving all intermediate points; (SMOKY) from Greeneville, Tenn., over U.S. Highway No. 411 to Newport, Tenn., and return over the same route, serving all intermediate points. Vendee holds no authority from this Commission. However, it is owned by (1) QUEEN CITY COACH COMPANY and (2) VIRGINIA STAGE LINES, INCORPORATED, which are authorized to operate as *common carriers* in (1) Tennessee, North Carolina, Virginia, South Carolina, and

Georgia, and (2) Virginia, West Virginia, Kentucky, North Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-2580; Filed, Mar. 22, 1960; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1280]

LEON B. ALLEN FUND, INC., AND GILLEN & CO.

Notice of Filing of Application for Exemption

MARCH 16, 1960.

Notice is hereby given that Leon B. Allen Fund, Inc. ("Fund"), a registered open-end diversified investment company and Gillen & Company, a partnership providing investment advisory services to the Fund pursuant to a written contract, have filed an application and an amendment thereto pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting a contract dated January 29, 1960, under which Gillen & Company will act as investment advisor to the Fund, from the provisions of section 15(a) of the Act to the extent that such contract requires approval by a vote of a majority of the outstanding voting securities of the Fund. Applicants also request an exemption from section 15(a) of the Act for all actions of Gillen & Company which may have been taken as investment adviser since December 10, 1959.

The application states that Gillen & Company has acted as investment adviser to the Fund since June 20, 1952 pursuant to a written contract which provided, among other things, for its automatic termination in the event of its assignment. An assignment is defined in section 2(a)(4) of the Act as including any direct or indirect transfer of control by the assignor. It is further stated that on December 10, 1959, Harold W. Gillen, one of the partners of Gillen & Company, died and a transfer of control of the partnership was thus effected, resulting in an assignment of the investment advisory contract.

According to the application the surviving partners of Gillen & Company have agreed to continue the firm and the new partnership has entered into a contract with the Fund, which has been approved by the Fund's Board of Directors including a majority of the Directors who are not parties to such contract or affiliated persons of any such parties, to continue to render advisory services under the same terms and conditions as provided for in the terminated contract. The Fund represents that at the next annual meeting of shareholders on August 16, 1960 it will submit the new contract for shareholder approval.

Section 15(a) of the Act provides, among other things, that no person shall serve as an investment adviser to a registered investment company except pursuant to a written contract that has been approved by a majority of the outstanding voting securities of such registered company and which provides for its automatic termination in the event of its assignment by the investment adviser. The Commission may exempt transactions from the requirements of the Act pursuant to section 6(c) thereof to the extent that such exemption is necessary or appropriate to the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 31, 1960, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

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

[F.R. Doc. 60-2574; Filed, Mar. 22, 1960; 8:46 a.m.]

[File No. 812-1243]

ONE WILLIAM STREET FUND, INC.

Notice of Filing of Application for Exemption

MARCH 16, 1960.

Notice is hereby given that One William Street Fund, Inc. ("William Street"), a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares for substantially all of the cash and securities of the W & W Investment Co. ("W & W") on the basis set forth below.

Shares of William Street, a Maryland Corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of November 30, 1959, the net assets of William Street amounted to $287,358,110 and 21,023,480 shares of its stock were outstanding.

W & W, an Ohio Corporation, has one stockholder and since January 1957 has engaged in the business of investing and reinvesting its funds. W & W is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between William Street, W & W and the latter's stockholder, substantially all of the cash and securities owned by W & W with a total value of $1,345,000 as of November 30, 1959, will be transferred to William Street in exchange for shares of stock of William Street. The shares acquired by W & W are to be distributed immediately to its shareholder who has agreed to take such shares for investment. The number of shares of William Street to be delivered to W & W will be determined by dividing the net asset value per share of William Street in effect at the close of business on the day preceding the closing date into the value of the W & W assets to be exchanged.

The value of the assets of W & W will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuance of William Street's shares. Since the exchange will be tax free for W & W and its shareholder, William Street's cost basis for tax purposes on the assets acquired from W & W will be the same as for W & W, rather than the price actually paid by William Street for the assets.

Of the assets to be acquired from W & W, William Street intends to retain in its portfolio securities and other assets having a value as of November 30, 1959, of approximately $1,090,000. Of this amount, approximately $17,000, or approximately 1.6 percent, represented net unrealized appreciation, as compared to net unrealized appreciation on William Street's portfolio of $36,456,000, or approximately 12.7 percent of their value, as of the same date. Approximately $255,455 of the securities acquired from W & W will be sold by William Street. The net unrealized appreciation on such securities as of November 30, 1959, amounted to $39,000. Since William Street will thus acquire these securities at a tax-cost basis less than the price actually paid therefor, their sale after acquisition will result in artificial capital gains and a consequent tax liability to the present shareholder of William Street of approximately $4,900. The application submits that this amount is de minimis in relation to William Street's net assets. In addition, as an offset to this unfavorable tax consequence, the acquisition of the W & W assets will result in a potential tax benefit to the present shareholders of William Street by reason of a reduction in the net unrealized appreciation applicable to their shares. Assuming the acquisition had occurred as of November 30, 1959, the reduction in unrealized appreciation applicable to present shareholders of William Street would be approximately $112,000.

The application recites that the terms of the entire transaction were arrived at through arm's-length bargaining between the officers of William Street and W & W. The application further states that there is no affiliation or relationship of any kind between the officers and directors of William Street and the officers, directors, and stockholder of W & W.

Section 22(d) of the Act provides, in pertinent part, that no registered invest-

ment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of William Street are to be issued to W & W at a price other than the public offering price stated in the prospectus, which lists a sales charge of 1 percent for sales of $500,000 or over.

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

Notice is hereby given that any interested person may, not later than March 29, 1960 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60–2575; Filed, Mar. 22, 1960; 8:46 a.m.]

[File No. 812–1266]

UBS FUND OF CANADA, LTD.

Notice of Request To Sell Securities in United States

MARCH 16, 1960.

Notice is hereby given that UBS Fund of Canada, Ltd. ("Applicant"), an investment company organized under the Companies Act, 1934, of Canada, has filed an application under section 7(d) of the Investment Company Act of 1940 (the "Act") and Rule 7d–1 thereunder, seeking an order of the Commission permitting Applicant to register as an investment company under the Act and to make a public offering of its securities in the United States.

Section 7(d) of the Act prohibits a foreign investment company from selling its securities to the public through the mails or any means or instrumentalities of interstate commerce unless the Commission issues a conditional or unconditional order permitting such company to register under the Act and to make a public offering of its securities in the United States. To issue such an order the Commission must find that, by reason of special circumstances or arrangements, it is both legally and practically feasible effectively to enforce the provisions of the Act against such company and that the issuance of such order is otherwise consistent with the public interest and the protection of investors.

Applicant was organized in October of 1959 for the purpose of carrying on business as an investment company, concentrating its investments principally in securities of Canadian companies or companies whose principal activities are in Canada and securities of the Canadian government, provinces and municipalities. Its authorized capital stock consists of 10,000,000 Common Shares of $1 par value and 1000 Deferred Shares of $1 par value. Common Shares and Deferred Shares have the same rights except that Deferred Shares have no redemption rights. Deferred Shares may be issued only upon the approval of the Common Shares. The initial net capital of Applicant in the amount of at least $100,000 will be provided by private subscription for Common Shares. The subscribers will include United Investment Counsel Inc. and certain of Applicant's directors.

Upon acquisition of the initial capital, Applicant proposes to make an initial public offering of its shares at net asset value plus a sales charge of not over 9 percent of the offering price. During the period of the initial offering, which is not to exceed 60 days, the proceeds of the sale of Common Shares (less the sales charges retained by Applicant's principal underwriter) will be held in cash by the Applicant, and Applicant's shareholders will not have the right to require the redemption of shares. During the period of the initial public offering, the Applicant will operate as a closed-end diversified management investment company. At the expiration of the initial public offering period, the right of Applicant's shareholders to redeem their Common Shares at the net asset value thereof will become effective, and the Applicant will thereupon become an open-end investment company. Thereupon, Applicant proposes to make a continuous public offering of its Common Shares in the United States at net asset value plus a sales charge; and to operate as an open-end diversified management investment company.

The application contains certain undertakings and agreements, all as specified in Rule 7d–1, which together with the provisions of the Applicant's charter and by-laws, are proposed by the Applicant as "special circumstances and arrangements" justifying the entry of the requested order.

Applicant's charter and by-laws contain, in effect, the substantive provisions of the Act applicable to open-end investment companies, which provisions the Applicant has agreed may be enforced as a matter of contract right in the United States or Canada by Applicant's shareholders.

Applicant's by-laws also contain, among other things, provisions summarized as follows: (1) That all of its securities and cash, other than cash in an amount necessary to meet Applicant's current administrative expenses, will be maintained in the sole custody of a bank in the United States; (2) that at least a majority of Applicant's directors and of its officers will be citizens of the United States of whom a majority will be residents of the United States; (3) that Applicant will retain an independent public accountant with a permanent office and place of business in the United States; (4) that Applicant's investment adviser will maintain its books and records relating to Applicant in the United States; and (5) that Applicant's principal underwriter will be UBS Distributing Corporation, a Massachusetts corporation, having its principal place of business in Boston, Massachusetts.

The Applicant has not followed the requirement of paragraph (b)(8)(F) of Rule 7d–1 in that UBS Distributing Corporation, its proposed principal underwriter, will not be a member of a securities association registered under section 15(A) of the Securities Exchange Act of 1934. However UBS Distributing Corporation has made a commitment with Applicant that so long as the Applicant shall offer any redeemable security, UBS Distributing Corporation shall comply with and abide by the provisions of section 26 of Article III of the Rules of Fair Practice of the National Association of Securities Dealers, Inc., a securities association registered under section 15(A) of the Securities Exchange Act of 1934 as though it were a member of such Association.

Applicant has undertaken and agreed in its application, among other things; (i) that its charter and by-laws will not be amended in any manner inconsistent with the agreements and undertakings contained in its application or the Act and rules thereunder unless authorized by the Commission; (ii) that Applicant's present and future officers, directors, investment advisers, principal underwriters and custodian will enter into agreements to comply with the Act, Applicant's charter, by-laws, and the undertakings and agreements contained in the instant application; (iii) that Applicant's agreements shall inure to the benefit of Applicant's shareholders as parties and beneficiaries; (iv) that breach of the aforesaid agreements or violation of the Act by any of the contracting parties will permit revocation of the requested order and the liquidation and distribution of Applicant's assets; and (v) that the original or duplicate copy of its books and records will be maintained in the United States.

Other agreements and undertakings contained in the application are designed to facilitate the enforcement of the Act by the Commission or Applicant's shareholders. To that end each of the contracting parties who are not citizens and residents of the United States will appoint, irrevocably, an agent within the United States for service of process. To ensure the applicability of the Act to purchases and sales of portfolio securi-

ties not made on established securities exchanges, Applicant has agreed that its custodian will consummate such transactions only in the United States and that the mails or means of interstate commerce will be employed.

Applicant requests an exemption pursuant to section 6(c) of the Act (i) from section 22(e)(1) of the Act to the extent that it may be permitted to suspend the right of redemption of its shares during periods when the Toronto Stock Exchange or the Montreal Stock Exchange, on which some of the portfolio securities of the Applicant will be traded, is closed or trading thereon is restricted, as well as when, as already provided in section 22(e)(1), the New York Stock Exchange is closed or trading thereon is restricted; and (ii) from section 32(a) of the Act to the extent necessary to permit Applicant's independent public accountants to be selected by its shareholders rather than selected by its Board of Directors and such selection ratified by its shareholders.

Notice is further given that any interested person may, not later than March 30, 1960, 5:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule O–5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60–2576; Filed, Mar. 22, 1960; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 57]

HEADWATERS RESERVOIRS (D–MINN–420) AITKIN COUNTY, MINNESOTA

Transfer of Property

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated December 8, 1959, a portion of that property known as Headwaters Reservoirs, Aitkin County, Minnesota, and more particularly described in said deed, has been transferred from the United States to the State of Minnesota.

2. The above-described property was transferred to the State of Minnesota for wildlife conservation purposes (other than migratory birds) in acordance with the provisions of Public Law 537.

Dated: March 16, 1960.

LAWSON B. KNOTT, JR.,
Acting Commissioner,
Public Buildings Service.

[F.R. Doc. 60–2590; Filed, Mar. 22, 1960; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RICHARD D. BROWNE

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Richard D. Browne.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: March 14, 1960.
4. Title of position: Assistant Director for Mobilization, Planning.
5. Name of private employer: Inland Steel Co., 30 West Monroe Street, Chicago, Ill.

CARLTON HAYWARD,
Director of Personnel.

MARCH 8, 1960.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Inland Steel Company.
Bank Deposits.

RICHARD D. BROWNE.

MARCH 15, 1960.

[F.R. Doc. 60–2585; Filed, Mar. 22, 1960; 8:46 a.m.]

L. MASON TURNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of March 15, 1960.

L. MASON TURNER.

MARCH 15, 1960.

[F.R. Doc. 60–2586; Filed, Mar. 22, 1960; 8:46 a.m.]

THOMAS C. CLARK II

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: Continental Can Company. Kennecott Copper Company. Phoenix Insurance Company.

This statement is made as of March 11, 1960.

THOMAS C. CLARK II.

MARCH 15, 1960.

[F.R. Doc. 60–2587; Filed, Mar. 22, 1960; 8:47 a.m.]

EUBERT F. TAGGERT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of March 15, 1960.

EUBERT F. TAGGERT.

MARCH 15, 1960.

[F.R. Doc. 60–2588; Filed, Mar. 22, 1960; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–111]

NORTH CAROLINA STATE COLLEGE

Notice of Issuance of Facility License

The Atomic Energy Commission has issued Facility License No. R–63 to North Carolina State College authorizing possession and operation of a 10-kilowatt pool-type nuclear reactor facility located on the University's campus at Raleigh, North Carolina. Notice of the proposed action was published in the FEDERAL REGISTER on March 2, 1960, 25 F.R. 1848.

Dated at Germantown, Md., this 16th day of March 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 60–2567; Filed, Mar. 22, 1960; 8:45 a.m.]

[Docket No. 50–148]

UNIVERSITY OF KANSAS

Notice of Proposed Issuance of Construction Permit

Please take notice that the Atomic Energy Commission proposes to issue to University of Kansas a construction permit substantially as set forth below unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). Such request should be addressed to the Office of the Secretary at the AEC's office in Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see (1) the application submitted by University of Kansas and (2) a hazards analysis by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 16th day of March 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated August 5, 1959 (hereinafter referred to as "the application"), University of Kansas requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, authorizing construction and operation on the campus of the University in Lawrence, Kansas, of a ten kilowatt water-cooled and moderated pool-type, Bendix Aviation Corporation Model No. 4180 nuclear reactor (hereinafter referred to as "the facility").

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

A. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. The facility will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. University of Kansas is financially qualified to construct and operate the facility in accordance with the regulations contained in Title 10, Chapter I, CFR.

D. University of Kansas and its contractor, Bendix Aviation Corporation, are technically qualified to design and construct the facility.

E. University of Kansas has submitted sufficient information to provide reasonable assurance that a facility of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public, and that omitted information necessary to complete the application will be supplied; and

F. The issuance of a construction permit to University of Kansas will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to University of Kansas to construct the facility in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is June 1, 1960. The latest completion date of the facility is December 1, 1960. The term "completion date" as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The facility shall be constructed and located on the University of Kansas campus in Lawrence, Kansas, as specified in the application.

4. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless University of Kansas has submitted to the Commission (by amendment to the application) additional data required to complete the hazards evaluation, including data concerning (1) proposed experiments, (2) monitoring and disposal of wastes, (3) emergency procedures, and (4) administrative control, and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the facility in accordance with the specified procedures.

5. Upon completion (as defined in paragraph 3.A. above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of the additional information needed to bring the original application up-to-date, and upon finding that the facility authorized has been constructed and will operate in conformity with the application, as amended, and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to University of Kansas pursuant to Section 104c of the Act, which license shall expire ten (10) years after the date of this construction permit.

For the Atomic Energy Commission.

[F.R. Doc. 60–2568; Filed, Mar. 22, 1960; 8:45 a.m.]

[Docket No. 40–1341; Source Material License R–174]

MINES DEVELOPMENT, INC.

Order Postponing Hearing

On March 18, 1960, Mines Development, Inc., Denver, Colorado, (Mines) and the Staff of the Commission jointly informed the Presiding Officer that the evidence pertaining to the issues prescribed by the Commission for consideration at a hearing would necessitate further investigation and preparation and that possibly three days would be required for a complete presentation of all evidence proposed to be adduced.

The Presiding Officer finds:

1. Good cause exists for a postponement of the hearing now set for March 25, 1960.

2. The date which appears most convenient to both Mines and the Staff for the commencement of a 3-day hearing is May 17, 1960.

The Presiding Officer orders:

1. The hearing in this cause concerning the issues prescribed for consideration by the Commission is postponed from March 25th to May 17th, 1960, in a courtroom to be assigned in the United States District Court, 1823 Stout Street, Denver, Colorado.

Issued: March 21, 1960, Germantown, Md.

SAMUEL W. JENSCH,
Presiding Officer.

[F.R. Doc. 60–2660; Filed, Mar. 22, 1960; 11:01 a.m.]

CUMULATIVE CODIFICATION GUIDE—MARCH

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during March.

1 CFR

Page

Appendix A ... 2281

3 CFR

PROCLAMATIONS:
3336 ... 2351
3337 ... 2351
3338 ... 2351
3339 ... 2352

EXECUTIVE ORDERS:
Feb. 18, 1870 ... 1949
Mar. 26, 1881 ... 1949
June 8, 1901 ... 1867
982 ... 2073
1624 ... 2073
1776 ... 2073
1778 ... 2073
2119 ... 2073
4124 ... 2073
4208 ... 1949
7752 ... 2163
7775 ... 2163
8001 ... 2163
9769 ... 2073
10017 ... 2073
10337 ... 2073
10501 ... 2073
10577 ... 2073
10868 ... 1927
10869 ... 2073
10870 ... 2197
10871 ... 2251
10872 ... 2379

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum, November 5, 1953 ... 2073
Memorandum, May 7, 1959 ... 2073
Memorandum, March 9, 1960 ... 2073
Transfer Plan ... 2151

5 CFR

2 ... 2074, 2198, 2353
6 ... 1928, 2005, 2074, 2152
24 ... 1743, 2380
29 ... 2380
325 ... 1928

6 CFR

331 ... 1905, 2047
421 ... 1815, 2047, 2049, 2051, 2053, 2125, 2380
443 ... 1816
477 ... 2005
485 ... 1867, 1868

7 CFR

4 ... 1985
52 ... 2005
352 ... 1929
354 ... 2353
362 ... 1934
718 ... 1743, 2125, 2385
719 ... 1816
723 ... 2125
728 ... 2074, 2386
815 ... 2006
821 ... 2198
822 ... 2198
836 ... 2198
850 ... 1905, 1906, 2252, 2253
903 ... 2198
914 ... 1935, 2097, 2152, 2353
922 ... 1908

7 CFR—Continued

Page

933 ... 1936
946 ... 1747
953 ... 1817, 1937, 2097, 2354
954 ... 1756
955 ... 2098
965 ... 1763
987 ... 1817

PROPOSED RULES:
53 ... 1913
723 ... 2059
725 ... 2059
902 ... 1838, 2261
903 ... 2129
904 ... 1879, 2086
912 ... 2057
918 ... 2221
921 ... 2132
928 ... 2057
944 ... 2057
972 ... 1791
975 ... 2106, 2234
990 ... 1879
995 ... 2106
996 ... 1879
999 ... 1879
1018 ... 2263
1019 ... 1879
1021 ... 1954
1024 ... 2236
1028 ... 2106
1065 ... 1955

8 CFR

502 ... 2152

9 CFR

18 ... 2417
73 ... 1873
131 ... 1937, 1938
155 ... 1763

10 CFR

PROPOSED RULES:
30 ... 2134
31 ... 2134
72 ... 2236

12 CFR

5 ... 2158
204 ... 1818
221 ... 2098
522 ... 2417

PROPOSED RULES:
222 ... 2140

13 CFR

107 ... 2354

14 CFR

20 ... 2126
40 ... 1987
41 ... 1987
42 ... 1987, 2360
60 ... 1764, 1987
221 ... 2417
241 ... 2126
302 ... 1868
375 ... 1767
501 ... 1938
507 ... 1818, 1908, 1987, 2041, 2077, 2078, 2255, 2418
600 ... 1819, 1938–1940, 1988–1991, 2009–2011, 2041, 2078, 2079, 2159, 2160, 2199, 2360, 2387, 2388

14 CFR—Continued

Page

601 ... 1819, 1938–1940, 1988–1992, 2009–2011, 2041, 2078, 2079, 2098, 2159, 2160, 2199, 2360, 2361, 2387
602 ... 1992, 2200, 2255, 2388
608 ... 1868, 2099, 2418
609 ... 1868, 2042, 2080
610 ... 2389
1209 ... 2100

PROPOSED RULES:
4b ... 2270
10 ... 2270
40 ... 2270
41 ... 2270
42 ... 2270
60 ... 2137
300 ... 2436
302 ... 2436
507 ... 1839, 1883, 2060, 2165, 2166, 2438
514 ... 1884
570 ... 2137
600 ... 1801–1804, 1839, 1956–1965, 2017, 2018, 2084, 2085, 2107–2109, 2439.
601 ... 1802–1804, 1839, 1840, 1960–1965, 2017, 2018, 2085, 2086, 2108–2110, 2139, 2439
602 ... 1804, 1805, 1966, 1993, 2086
608 ... 2086, 2109
619 ... 2137

15 CFR

20 ... 2163
230 ... 2083
370 ... 2255
371 ... 2255
373 ... 2255
379 ... 2255
399 ... 2361

16 CFR

13 ... 1819, 1820, 1873, 1875, 2075, 2100, 2101, 2160–2162, 2200–2202, 2362, 2363, 2392–2394

17 CFR

211 ... 1940
250 ... 1942
270 ... 1865

PROPOSED RULES:
250 ... 2060
270 ... 2402

18 CFR

2 ... 2363
154 ... 1943
157 ... 2363

19 CFR

4 ... 2163
10 ... 1820
23 ... 2103

20 CFR

234 ... 2419
238 ... 2053
262 ... 2053
266 ... 2053
401 ... 2011
404 ... 2127

21 CFR

27 ... 1770
120 ... 1943, 2076, 2364
121 ... 1772, 1944, 2076, 2162, 2202–2204, 2395

21 CFR—Continued Page

146a 1909
281 1820
PROPOSED RULES:
120 1956, 2017, 2084, 2136, 2269
121 1800, 1801, 1884, 1913, 2367, 2368, 2401, 2436
304 2425

22 CFR

121 1821
122 1823
123 1824
124 1827
125 1827
126 1828
127 1829
128 1829

24 CFR

221 2102
222 2102
226 2102
232 2102
235 2103
241 2103

25 CFR

48 1829
124 1831
221 2364

26 (1954) CFR

1 1833, 2420
48 1773
PROPOSED RULES:
1 1954, 2165
31 2425
175 2367

28 CFR

7 2420

30 CFR

PROPOSED RULES:
25 1877
33 2014

31 CFR

500 1910

32 CFR

1 1778
2 1783
3 1784
5 1784
6 1784

32 CFR—Continued Page

7 1784
8 1786
9 1786
10 1787
16 1788
17 1789
56 2127
65a 1789
518 2364
754 2258
878 2395
888 1944

32A CFR

NSA (CH. XVIII):
OPR-7 2104

33 CFR

92 2219, 2258
202 1910
204 2365
205 1910
401 2206

36 CFR

7 1947

38 CFR

2 2163
6 2258
13 2163
17 2420

39 CFR

1—203 2077
43 1947
45 1947
94 1947
96 1947
168 1948, 2055, 2104, 2258

42 CFR

75 1911

43 CFR

192 2421
PROPOSED RULES:
4 2106
192 1877
PUBLIC LAND ORDERS:
808 1885, 1950
1312 1867
1826 2104
2022 2105
2032 2105
2058 1867

43 CFR—Continued Page

PUBLIC LAND ORDERS—Continued
2059 1867
2060 1949
2061 1949
2062 1950
2063 2077
2064 2077
2065 2104
2066 2105
2067 2105
2068 2128
2069 2163
2070 2400

46 CFR

2 2217
10 2217
26 2217
52 2218
61 2218
67 2218
157 2218
171 2259
172 1912, 2219
PROPOSED RULES:
201—380 1955, 2401

47 CFR

1 1950, 1985
2 2219, 2421
3 2012
5 2422
7 2422
8 2164, 2422
9 2422
10 2422
11 2422
13 1950
16 1834, 2422
17 1952
19 2421, 2422
21 2422
PROPOSED RULES:
3 1967, 1993, 2019, 2165
17 2110

49 CFR

95 2366
139 1986
145 1837
186 1837

50 CFR

17 2164