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TITLE 3—THE PRESIDENT

PROCLAMATION 3210

THANKSGIVING DAY, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

At the autumnal season of the year our hearts move us to follow the wise and reverent custom, inaugurated by our Pilgrim Fathers more than three centuries ago, of setting aside one special day for expressions of gratitude to a merciful Providence for the blessings bestowed upon us.

It behooves us to dwell upon the deep religious convictions of those who formed our Nation out of a wilderness, and to recall that our leaders throughout the succeeding generations have relied upon Almighty God for vision and strength of purpose.

As a Nation we have prospered; we are enjoying the fruit of our land and the product of our toil; we are making progress in our efforts to translate our national ideals into living realities; and we are at peace with the world, working toward that day when the benefits of freedom and justice shall be secured for all mankind.

For such blessings let us be devoutly thankful, and at the same time let us be sensitive and responsive to the obligations which such great mercies entail.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, having in mind the joint resolution of Congress approved December 26, 1941, which designates the fourth Thursday in November of each year as Thanksgiving Day, do hereby call upon our people to observe Thursday, November 28, 1957, as a day of national thanksgiving. On that day let all of us, in accordance with our hallowed custom, foregather in our respective places of worship or in our homes and offer up prayers of thanks for our manifold blessings. Let the happiness which stems from family reunions on Thanksgiving Day be tempered with compassion and inspired by an active concern for those less fortunate in our own country and in other lands; and let us ask God's continuing help and guidance in our conduct, both as individuals and as a Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of November in the year of our Lord nineteen hundred and [SEAL] fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-9481; Filed, Nov. 13, 1957; 11:25 a. m.]

PROCLAMATION 3211

WITHDRAWAL OF TRADE AGREEMENT CONCESSION ON SPRING CLOTHESPINS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U. S. C. 1351), on October 10, 1949 he entered into a trade agreement providing for the accession to the General Agreement on Tariffs and Trade (61 Stat. (Pts. 5 and 6) A7, A11, and A2051) of certain foreign countries, including the Kingdom of Denmark and the Kingdom of Sweden, which trade agreement consists of the Annecy Protocol of Terms of Accession to the General Agreement on Tariffs and Trade, dated October 10, 1949, including the annexes thereto (64 Stat. (Pt. 3) B141);

2. WHEREAS Schedule XX in Annex A of the said trade agreement for accession became a schedule to the said General Agreement in accordance with paragraph 3 of the said trade agreement for accession;

(Continued on p. 9045)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

3. WHEREAS, by Proclamation No. 2867 of December 22, 1949 (3 CFR, 1949 Supp., 55), the President proclaimed such modification of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out the said trade agreement for accession, which proclamation has been supplemented by several proclamations, including Proclamation No. 2884, of April 27, 1950 (3 CFR, 1950 Supp., 28);

4. WHEREAS the first item 412 in Part I of the said Schedule XX reads in pertinent part as follows:

Tariff Act of 1930, paragraph	Description of products	Rate of duty
412	Spring clothespins	10 cents per gross.

5. WHEREAS, in accordance with Article II of the said General Agreement and by virtue of the said proclamation of April 27, 1950, the United States rate of duty applicable to spring clothespins described in the said first item 412 is 10 cents per gross, as specified in the said first item 412, which duty reflects the tariff concession granted in the said General Agreement with respect to such clothespins;

6. WHEREAS the United States Tariff Commission has submitted to me a report of its investigation No. 57 under section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U. S. C. 1364), on the basis of which investigation and a hearing held in connection therewith the Commission has found that, as a result in part of the duty reflecting the concession granted in the said General Agreement, spring clothespins described in the said first item 412 are being imported into the United States in such increased quantities, both actual and relative, as to cause serious injury to the domestic industry producing like products;

7. WHEREAS I find that in order to remedy the serious injury to the said domestic industry it is necessary that there be applied, for an indefinite period, a duty of 20 cents per gross on spring clothespins described in the said first item 412;

8. WHEREAS the rate of duty on spring clothespins expressly fixed by statute (Tariff Act of 1930, paragraph 412) is 20 cents per gross, which rate of duty would be applicable to spring clothespins described in the said first item 412 if the tariff concession set forth in the said first item 412 were withdrawn;

9. WHEREAS, to carry out the exclusive trade agreement with Cuba (61 Stat. (Pt. 4) 3699) and the note to the items specified in Part II of the said Schedule XX, spring clothespins the product of Cuba are included as item 412 in the list set forth in the ninth recital of Proclamation No. 2764 of January 1, 1948 (3 CFR, 1948 Supp., 11), as amended by Part III of Proclamation No. 3105 of July 22, 1955 (3 CFR, 1955 Supp., 36), wherein a rate of duty of 8 cents per gross is specified for such spring clothespins;

10. WHEREAS, upon the withdrawal of the concession set forth in the said first item 412, it will be appropriate to carry out the said exclusive trade agreement with Cuba and the said trade agreement for accession to increase the rate of duty on spring clothespins the product of Cuba to 18 cents per gross:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under the authority vested in me by section 350 of the Tariff Act of 1930, as amended, and by section 7 (c) of the Trade Agreements Extension Act of 1951, as amended, and in accordance with the provisions of Article XIX of the said General Agreement on Tariffs and Trade and with the provisions of the said exclusive trade agreement with the Government of the Republic of Cuba, do proclaim that, effective after the close of business on December 9, 1957, and until the President otherwise proclaims—

(a) The said first item 412 in the said Schedule XX shall be withdrawn, and Proclamation No. 2867 of December 22, 1949, as supplemented, shall be suspended insofar as it applies to the said first item 412;

(b) the rate of duty specified for item 412 in the ninth recital of the said proclamation of January 1, 1948, as amended by Part III of the said proclamation of July 22, 1955, shall be changed from "8 cents per gross" to "18 cents per gross".

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 9th day of November in the year of our Lord nineteen hundred and [SEAL] fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-9482; Filed, Nov. 13, 1957; 11:26 a. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

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

Subchapter B—Prohibition of Imported Commodities

PART 1070—CUCUMBERS

§ 1070.1 *Cucumber Regulation No. 1*—(a) *Findings and determinations.* (1) Notice of rule making regarding proposed restrictions on importation of cucumbers into the United States, to be made effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), was published in the FEDERAL REGISTER October 19, 1957 (22 F. R. 8264). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, it is hereby found that the restrictions on the importation of cucumbers into the United States, as hereinafter provided, are in accordance with the act.

(2) It is hereby found and determined that good cause exists for not postponing the effective date of this section beyond that herein specified (5 U. S. C. 1001 et seq.) in that (i) the requirements established by this import regulation are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), which makes such regulation mandatory; (ii) the same grade and size regulations are in effect on domestic shipments of cucumbers under Marketing Agreement No. 118 and Order No. 115 (7 CFR 1015.301; 22 F. R. 8148, 8219, 8976); (iii) compliance with this cucumber import regulation should not require any special preparation by importers which cannot be completed by the effective date; (iv) notice hereof is hereby determined to be reasonable in

accordance with the requirements of the act and is in excess of the minimum period of three days specified in the act; and (v) the regulations hereby established for cucumbers that may be imported into the United States comply with grade, size, quality, and maturity restrictions imposed upon domestic cucumbers under the aforesaid marketing agreement and order.

(b) *Import restrictions.* During the period from November 18, 1957, to December 15, 1957, both dates inclusive, and subject to the General Regulations (7 CFR Part 1060; 19 F. R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this section, no person shall import any cucumbers of any variety unless such cucumbers meet the requirements of U. S. No. 1 or better grade, except that for the purpose of this section no maximum diameter or minimum length is required.

(c) *Minimum quantities.* Any importation which, in the aggregate, does not exceed 48 pounds may be imported without regard to the provisions of paragraph (b) of this section.

(d) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions of cucumbers under the Plant Quarantine Act of 1912.

(e) *Inspection and certification.* (1) The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated, pursuant to § 1060.4 (a) of the General Regulations, as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of cucumbers that are imported, or to be imported into the United States under the provisions of section 8e of the act.

(2) Inspection and certification by the Federal or the Federal-State Inspection Service of each lot of imported cucumbers is required pursuant to § 1060.3 *Eligible imports* of the aforesaid General Regulations and this section. Each such lot shall be made available and accessible for inspection. Such inspection and certification will be made available in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of uninspected and uncertified cucumbers should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located each importer must give the specified advance notice to the applicable office listed below prior to the time the cucumbers will be imported.

Ports; Office; and Advance Notice

All Texas points; W. T. McNabb, 222 McClendon Building, 305 East Jackson Street, P. O. Box 111, Harlingen, Tex. (Telephone—Garfield 3-5644); 1 day.

All Arizona points; R. H. Bertelson, Room 202 Trust Building, 305 American Avenue, P. O. Box 1646, Nogales, Ariz. (Telephone—Atwater 7-2902); 1 day.

All California points; Carley D. Williams, 284 Wholesale Terminal Building, 784 South Central Avenue, Los Angeles 21, Calif. (Telephone—Vandike 8756); 3 days.

All Florida points; Lloyd W. Boney, Room 5, Dade County Growers Market, 1200 Northwest 21st Terrace, Miami 42, Fla. (Telephone—Franklin 1-6932); 3 days.

All other points; E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, Washington 25, D. C. (Telephone—Republic 7-4142, Ext. 5870); 3 days.

(3) Inspection certificates shall cover only the quantity of cucumbers that is being imported at a particular port of entry by a particular importer.

(4) The inspections performed, and certificates issued by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(5) Each inspection certificate issued with respect to any cucumbers to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee);

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the certificate;

(vi) The principal identifying marks on the containers;

(vii) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement, if the facts warrant; meets U. S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(f) *Definitions.* (1) The term "U. S. No. 1," used in this section means the U. S. No. 1 grade as set forth in the United States Standards for Cucumbers (§§ 51.2220 to 51.2238, inclusive, of this title), including the tolerances set forth therein.

(2) All other terms have the same meaning as when used in the General Regulations (Part 1060 of this chapter; 19 F. R. 7707, 8012) applicable to the importation of listed commodities.

(Sec. 401, 68 Stat. 906, as amended; 7 U. S. C. 608e-1)

Dated: November 8, 1957, to become effective November 18, 1957.

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

[F. R. Doc. 57-9460; Filed, Nov. 13, 1957; 8:56 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

APPOINTMENTS SUBJECT TO INVESTIGATION

Paragraphs (b) and (c) of § 2.107 are amended to read as set out below.

§ 2.107 *Appointments subject to investigation.* * * *

(b) Except in cases under § 2.106 (a) (4) involving intentional false statements, or deception or fraud in examination or appointment, the condition "subject to investigation" shall expire automatically at the end of one year after the effective date of the appointment.

(c) For a period of one year after the effective date of an appointment subject to investigation under paragraph (a) of this section, the Commission may instruct the agency to remove the employee if investigation discloses that he is disqualified for any of the reasons listed in § 2.106. Thereafter, the Commission may require removal only on the basis of intentional false statements or deception or fraud in examination or appointment.

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

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

[F. R. Doc. 57-9411; Filed, Nov. 13, 1957; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 25]

PART 60—AIR TRAFFIC RULES

TWO-WAY RADIO FAILURE PROCEDURES

The two-way radio communication failure procedures contained in § 60.49-1 are hereby revised to provide for the use of approved jet penetration procedures by military aircraft and more specific holding pattern procedures. The revision also includes changes in format and language not involving a substantive change.

1. Therefore, § 60.49-1 is revised to read:

§ 60.49-1 *Two-way radio failure procedures (CAA policies which apply to § 60.49 (b))*—(a) *General.* In the event of two-way radio communication failure, air traffic control will be accomplished in accordance with the following procedures.

(b) *En route procedure.* When the aircraft is proceeding in accordance with the latest traffic clearance but the pilot has not received and acknowledged a clearance for an instrument approach, the following procedures apply:

(1) If the pilot has received and acknowledged a clearance to the destination airport or the radio facility serving

that airport, he will continue flight at the altitude(s) last assigned by air traffic control, or the minimum instrument altitude,[9] whichever is higher, to the radio facility serving the destination airport;

(2) If the pilot has received and acknowledged a clearance to an en route point other than the destination airport or the radio facility serving that airport and

(i) Holding instructions for the en route point have not been received, he will continue flight at the altitude(s) last assigned by air air traffic control or the minimum instrument altitude,[9] whichever is higher, to the radio facility serving the destination airport; or

(ii) Holding instructions for the en route point and expected clearance time for the airport of destination have been received, the pilot will comply with such instructions and continue flight to arrive at the radio facility serving the destination airport at the expected approach time last received and acknowledged, maintaining the last assigned altitude or the minimum instrument altitude,[9] whichever is higher; or

(iii) Holding instructions for the en route point have been received but no expected approach time for the airport of destination has been received, the pilot will comply with such instructions until the time air traffic control has specified that further clearance may be expected. He shall then continue flight to the radio facility serving the destination airport maintaining the last assigned altitude or the minimum instrument altitude [9] whichever is higher.

Example: A flight is cruising at 8,000 feet (last assigned altitude) on an IFR flight plan when radio failure occurs. After passing the next fix, the minimum en route altitude is 10,000 feet and climb is made to that altitude. On the last leg of the flight the minimum en route altitude is 3,500 feet. The flight descends back to 8,000 feet after passing the fix defining the termination of the 10,000-foot minimum en route altitude segment since the last assigned altitude (8,000 feet) is higher than the MEA (3,500 feet).

(3) If holding is necessary at the radio facility serving the destination airport and no holding clearance has been received and acknowledged:

(i) Holding will be accomplished on the side of the final approach course on which the procedure turn is prescribed; or

(ii) Where approved military jet penetration procedures have been issued for the airport of destination, holding by military jet aircraft will be accomplished at the last assigned altitude and along the left side of the initial penetration course (tear-drop), or in the case of a single penetration course on the side on which the procedure turn is prescribed.

(c) *Instrument letdown.* (1) If a clearance for an approach has not been received and acknowledged, descent from the altitude maintained to the radio facility serving the destination airport will start at the expected approach time last received and acknowledged, or if no expected approach time was received and acknowledged, descent will be started at the estimated time of arrival indicated by the elapsed time specified in the flight time or as soon as possible thereafter. A full approved instrument approach procedure will be executed unless VFR conditions are encountered and the pilot elects to continue descent and approach in accordance with VFR.

(2) If a clearance for an approach at the airport of intended landing has been received and acknowledged, comply with the clearance or other instructions [10] and make normal descent for landing.

(3) *Shuttle.* (i) Descent to the appropriate altitude for the execution of the instrument approach on the radio facility serving the destination airport will be accomplished by a holding pattern on the side of the final approach course on which the procedure turn is prescribed; or

(ii) Where approved military jet penetration procedures have been issued for the airport of destination, military jet aircraft will descend to the initial penetration altitude on the radio facility serving the destination airport by a holding pattern on the left side of the initial penetration course (tear-drop), or in the case of a single penetration course on the side on which the precedure turn is prescribed.

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

This supplement shall become effective December 11, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

NOVEMBER 6, 1957.

[F. R. Doc. 57-9379; Filed, Nov. 13, 1957; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 24]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

PELLSTON, MICH. TO SAULT STE MARIE, MICH.

The minimum en route altitude from Pellston, Michigan LF/RBN to Sault Ste Marie, Michigan VOR contained in § 610.6193 was prematurely published in the FEDERAL REGISTER on October 25, 1957 (22 F. R. 8418). Therefore, it is rescinded until further notice.

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

This amendment shall become effective on publication in the FEDERAL REGISTER.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

NOVEMBER 6, 1957.

[F. R. Doc. 57-9378; Filed, Nov. 13, 1957; 8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.346]

MISCELLANEOUS AMENDMENTS TO CHAPTER

By virtue of the authority vested in the Secretary of State by sections 3 and 4 of the act of Congress approved May 26, 1949, as amended (63 Stat. 111; 5 U. S. C. 151c and 22 U. S. C. 811a), and, as it relates to the following sections of the Tariff of Fees, 22 U. S. C. 1201 and Executive Order No. 10718 issued on June 27, 1957 (22 F. R. 4632), Title 22 of the Code of Federal Regulations is amended as follows:

PART 9—FINANCE AND ACCOUNTING

The caption of "Part 9—Deposit of Funds" is amended to read as set forth above and Part 9 as amended reads as follows:

Sec.
9.1 Remittances made payable to the Department of State.
9.2 Endorsing remittances for deposit in the Treasury.
9.3 Refunds.
9.4 Representative value in exchange.
9.5 Claims for settlement by Department of State or General Accounting Office.

AUTHORITY: §§ 9.1 to 9.5 issued under R. S. 161; 5 U. S. C. 22.

§ 9.1 *Remittances made payable to the Department of State.* Except as otherwise specified in this title, remittances of moneys shall be drawn payable to the Department of State and sent to the Department for action and deposit. (See §§ 2.2, 51.40, and 103.2 of this chapter.)

§ 9.2 *Endorsing remittances for deposit in the Treasury.* The Office of Finance—Cashier Unit, the Authentication Office, the Passport Office or Passport Agency, American Embassy, American Legation, American consular office, or other office or unit of the Department of State authorized and required to deposit funds in the Treasury of the United States, is hereby authorized to endorse, or to have endorsed, to the order of the Treasurer of the United States by appropriate stamp, checks, drafts, money orders, or other forms of remittance, regardless of how drawn, which are for payment to the Department of State for deposit in the Treasury of the United

[9] The minimum instrument altitude referred to is the minimum en route IFR altitude established in Part 610 of this title for that portion of the route over which the operation is conducted, regardless of the direction of flight. If deviation from the altitude assigned by Air Traffic Control is necessary in order to comply with a higher minimum instrument altitude, any subsequent descent required by a lower minimum instrument altitude shall not be made below the altitude last assigned by Air Traffic Control.

[10] Air Traffic Control may issue appropriate instructions by means of "blind" transmissions on radio frequencies directly available on authorized "blind" transmissions of appropriate clearances over air carrier radio facilities (for air carrier aircraft) and/or over suitable radio range facilities. ATC instructions will not be broadcast unless authorized by Air Traffic Control.

States, including those payable to the Secretary of State.

§ 9.3 *Refunds*—(a) *Rectifications and readjustments.* See § 103.4 of this chapter for outline of circumstances under which fees which have been collected for deposit in the Treasury may be refunded.

(b) *Refund of wrongful exactions.* See § 105.1 of this chapter concerning recovery from consular officers of amounts wrongfully exacted and withheld by them.

§ 9.4 *Representative value in exchange.* Representative value in exchange for the collection of a fee means foreign currency equivalent to the prescribed United States dollar fee at the current rate of exchange at the time and place of payment of the fee. "Current rate" of exchange for this purpose means the bank selling rate at which the foreign bank will sell the number of United States dollars required to liquidate the obligation to the United States for the Foreign Service fee.

§ 9.5 *Claims for settlement by Department of State or General Accounting Office.* Claims for settlement by the Department of State or by the General Accounting Office shall be submitted to the Department in duplicate over the handwritten signature, together with the post office address of the claimant, and with appropriate recommendations of the officer of the Foreign Service, for items such as:

(a) Refunds of amounts representing payroll deductions such as for any retirement and disability fund;

(b) Amounts due deceased, incompetent, or insolvent persons including payees or bona-fide holders of unpaid Government checks;

(c) Amounts claimed from the Government when questions of fact affect either the amount payable or the terms of payment, when for any reason settlement cannot or should not be affected at the Foreign Service office; and

(d) Amounts of checks, owned by living payees or bona-fide holders, which have been covered into outstanding liabilities. The Foreign Service post or the Department of State shall be consulted before preparing the claim to ascertain whether any special form is required to be used. Claims for unpaid compensation of deceased alien employees shall be forwarded to the respective Foreign Service post.

PART 103—FEES AND CHARGES, FOREIGN SERVICE

The caption of "Part 103—Finance and Accounting" is changed to read as set forth above; §§ 103.1, 103.3, 103.4, is revised effective January 1, 1958, as set forth below; existing § 103.2, *No-fee services,* is revoked and new §§ 103.2 and 103.5 are established as set forth below; and the subject matter of existing § 103.6, *Claims,* is transferred to newly established § 9.5; new §§ 103.6 and 103.7 are established as set forth below. As amended, Part 103 reads as follows:

Sec.
103.1 Tariff of fees, Foreign Service of the United States of America.
103.2 Remittances to Foreign Service posts.
103.3 Receipts for fees; register of services.
103.4 Refund of fees.
103.5 Time at which fees become payable.
103.6 Deposits to guarantee payment of fees or incidental costs.
103.7 Collection and return of fees.

AUTHORITY: § 103.1 to 103.7 issued under R. S. 161; 5 U. S. C. 22.

§ 103.1 *Tariff of fees, Foreign Service of the United States of America.* (a) Officers of the Foreign Service shall charge for official services performed abroad at the rates prescribed in this tariff, in coin of the United States or at its representative value in exchange (22 U. S. C. 1202). For definition of representative value in exchange, see § 9.4 of this chapter. No fees named in this tariff shall be charged or collected for the official services to American vessels and seamen (22 U. S. C. 1186). The term "American vessels" is defined to exclude, for the purposes of this tariff, undocumented American vessels and the fees prescribed herein shall be charged and collected for such undocumented vessels. However, the fees prescribed herein shall not be charged or collected for American public vessels, which includes any vessel owned or operated by a United States Government department or agency and engaged exclusively in official business on a non-commercial basis. This tariff shall be kept posted in a conspicuous place in each Foreign Service office, subject to the examination of all persons interested therein (22 U. S. C. 1197).

PASSPORT AND CITIZENSHIP SERVICES

Item No.	*Fee*
1. Execution of application for passport—no exceptions (22 U. S. C. 214)	$1.00
2. Examination of passport application executed before a foreign official	$1.00
3. Issuance of passport (22 U. S. C. 214)	$9.00
4. Renewal of passport (22 U. S. C. 217a)	$5.00
5. Issuance of certificate or card of identity and registration, or card of identification for use on the Mexican border	$1.00
6. Issuance or renewal of passport—	
(a) to officers or employees of the United States proceeding abroad or returning to the United States in the discharge of their official duties, or members of their immediate families (22 U. S. C. 214)	No fee
(b) to seamen when employed as such on American vessels (22 U. S. C. 214)	No fee
(c) to widows, children, parents, brothers, and sisters of American soldiers, sailors, or marines buried abroad, whose journey is for the purpose of visiting graves of such soldiers, sailors, or marines (22 U. S. C. 214)	No fee
7. Amendment of passport	No fee
8. Verification of passport	No fee
9. Execution of application for registration	No fee
10. Execution of affidavit in regard to American birth in connection with application for registration or for passport	No fee
11. Administering the oath of allegiance to a native-born American woman who lost her citizenship solely by marriage to an alien	No fee
12. For delivery to the applicant of a certified copy of an executed form—	
(a) of repatriation of a native-born American woman whose marital status with an alien terminated prior to January 13, 1941	$5.00
(b) of repatriation of a native-born American woman under sec. 324 of the Immigration and Nationality Act (8 U. S. C. 1435)	$5.00
(c) of repatriation under the act of July 20, 1954 (8 U. S. C. 1438 Supp.), of a person who while a citizen of the United States lost his citizenship by voting in Japan between September 2, 1945, and April 27, 1952, inclusive	$5.00
13. Completion of birth and death reports in number of copies prescribed by regulations. (Charge under item 75 below for any additional copies made and furnished, as well as under item 47 below if certification is furnished of the correctness thereof.)—	
(a) report of birth of American citizen including the furnishing of one copy to the parents	No fee
(b) report of death of American citizen and sending one copy each to legal representative and to closest known relative or relatives	No fee
14. Certificate of witness to marriage in quadruplicate. (Charge under item 75 below for any additional copies made and furnished, as well as under item 47 below if certification is furnished of the correctness thereof.)	$3.00
(Item numbers 15 through 19 vacant.)	

VISA SERVICES FOR ALIENS

20. Furnishing and verification of application for immigrant visa, including duplicate copy (8 U. S. C. 1351)	$5.00
21. Issuance of each immigrant visa (8 U. S. C. 1351)	$20.00
22. Furnishing and verification of application and issuance of nonimmigrant visa. (Fees prescribed in Appendix C, Visa Handbook of Department of State, as amended from time to time.)	
23. Furnishing and verification of application and issuance of nonimmigrant visa to alien proceeding solely in transit to and from the headquarters district of the United Nations under the provisions of section 11 of the Agreement between the United Nations and the United States of America regarding the headquarters of the United Nations (61 Stat. 756)	No fee
24. Visa of alien crew list	$2.00
25. Supplemental visa of alien crew list	No fee
(Item numbers 26 through 29 vacant.)	

SERVICES RELATING TO VESSELS AND SEAMEN

30. Noting marine protest, when required by a master of a foreign or an undocumented vessel	$5.00

SERVICES RELATING TO VESSELS AND SEAMEN—continued

Item No.		Fee
31.	Extending marine protest, when required by master of a foreign or an undocumented vessel	$10.00
	If it exceeds 200 words, for every additional 100 words or fraction thereof	$1.00
32.	Protest of master against charterers or freighters, when required by master of a foreign or an undocumented vessel	$5.00
33.	Shipment or discharge of seaman on undocumented vessel, each seaman	$2.00
34.	Recording of bill of sale of vessel purchased abroad, taking of application for provisional certificate of registry or certificate of American ownership, and investigation	$10.00
35.	Issuance of provisional certificate of registry or certificate of American ownership	$5.00
36.	Services under this tariff (unless designated "no exceptions") when performed for American vessels or for American seamen (22 U. S. C. 1186)	No fee
	(Item numbers 37 through 44 vacant.)	

NOTARIAL SERVICES AND AUTHENTICATIONS

45.	Administering an oath and certificate thereof	$2.50
46.	Taking the acknowledgment of the execution of a document, and certificate thereof	$2.50
47.	Certifying under official seal that a copy or extract made from an official or a private document is a true copy. (Fees for copying, if required, are an additional charge under item 75.)	$1.00
48.	Certifying to official character of a foreign notary or other official (i. e., authenticating a document)	$2.50
49.	Administering oaths, taking acknowledgments, or supplying authentications, in connection with application for letters patent or registration of trademarks, or with the assignment or transfer of rights thereunder	$2.50
50.	Administering an oath and certificate thereof for petition for nonquota, temporary worker nonimmigrant, or preference quota status	$2.50
51.	Administering oaths or taking acknowledgments, or authenticating the signatures of foreign officials, in connection with kinsmen's petitions for wages and effects of deceased seamen of the American merchant marine (46 U. S. C. 627)	$2.50
52.	For affidavit of petitioner or his agent on documents or evidence to be presented to the Federal Government	$2.50
	(Item numbers 53 and 54 vacant.)	
55.	Noting of a negotiable instrument for want of acceptance or payment, certifying to protest, and giving notice to issuer and endorsers when requested to do so. (In addition to this fee the consular officer should charge under item 85 for time spent outside the consular office in presentment of the instrument for acceptance or payment.)	$5.00
	(Item numbers 56 and 57 vacant.)	
58.	Services under this heading "Notarial Services and Authentications", unless designated "no exceptions", when rendered—	
	(a) in connection with the execution of forms or documents required by or to be presented to any department or agency of the Federal Government	No fee
	(b) in connection with the assignment and transfer of United States bonds or other Federal financial obligations or the execution of powers of attorney therefor or to collect interest thereon	No fee
	(c) to claimants and beneficiaries and their witnesses, in connection with Federal, State and municipal allotment, pension, retirement, insurance, medical, compensation, or like benefits	No fee
	(d) in the execution of tax returns for filing with the Federal or State Governments or political subdivisions thereof	No fee
	(e) to American citizens, while outside the United States, in preparation of ballots to be used in any primary, general, or other public elections in the United States or in territories under their jurisdiction	No fee
	(f) for official non-commercial use by a foreign government or by an international agency of which the Government of the United States is a member	No fee

NOTARIAL SERVICES AND AUTHENTICATIONS—continued

Item No.		Fee
	(g) to an official of a foreign government in circumstances where furnishing the service is an appropriate or reciprocal courtesy	No fee
	(Item numbers 59 through 64 vacant.)	

SERVICES RELATING TO TAKING OF EVIDENCE

65.	In taking depositions or executing commissions to take testimony (for additional hourly charge to be assessed for service of officer when rendered outside of the consular office and for provision for collection of transportation and other incidental costs see item 85 and § 103.1 (b) below)—	
	(a) for the services of the diplomatic or consular officer, including completion by him of caption, introductory statement and certificate (likewise including interpreting and reduction to writing or typewriting where these are done personally by the officer), for the first hour or fraction thereof	$15.00
	(b) for the services of the diplomatic or consular officer, as above, for each additional hour or fraction thereof	$10.00
	(c) for the services, if required, of a staff member of the Foreign Service post as interpreter, per hour or fraction thereof	$4.00
	(d) stenographic and typing service when supplied by the Foreign Service post, for each 100 words or fraction thereof (charge additionally under item 75 for extra copies, if requested)	$1.00
66.	Executing commissions to take testimony in connection with foreign documents for use in criminal cases when the commission is accompanied by an order of Federal court on behalf of an indigent party as contemplated by 18 U. S. C. 3495	No fee
67.	Providing seal and certificate for return of letters rogatory executed by foreign officials	$5.00
	(Item numbers 68 and 69 vacant.)	

DECEDENTS' ESTATES

70.	Taking into possession under 22 U. S. C. 1175 the personal estate of any citizen who shall die within the limits of a consular district, inventorying, selling, and finally disposing thereof according to law, for each $100 of inventory value or fraction thereof	$2.00
71.	Service as described under item 70 above, when performed in the case of a deceased officer or employee of the United States	No fee
72.	Placing or removal of official seal on estates of decedents; for disbursing funds supplied by relatives and others; for forwarding to legal representative or other authorized person of securities and other instruments not negotiated (or not negotiable) by the consular officer, or evidence of bank deposits of the decedent; or for releasing on the spot against memorandum receipt and without occasion either for safekeeping on official accountability or for consular inventory and appraisal, to the legal representative or other authorized person in the country, or personal property taken into nominal possession for the explicit purpose of transfer of custody	No fee
	(Item numbers 73 and 74 vacant.)	

COPYING AND RECORDING

75.	Copies made by typewriter (letter-size, double-spaced page or equivalent), photostat or otherwise—	
	(a) a copy or extract thereof, single page	$1.50
	(b) for each additional copy of the first page, for 25 copies or less; for each copy of the second page, for 25 copies or less; and for each copy of each additional page, for 25 copies or less	$0.50
	(c) for each copy in excess of the 25 copies of each page	$0.20
	(This fee does not apply to such customary activities as issuance of copies of records (1) from supplies kept for distribution, such as press releases and information leaflets; (2) as part of normal and generally reciprocal services performed by the post's library or the Library of the Department at the request of similar agencies or institutions; or (3) in lieu of or as enclosures to letters with the purpose of saving costs in preparing mail.)	

COPYING AND RECORDING—continued

Item No.	Fee
76. Recording unofficial documents in the Miscellaneous Record Book, if by hand-copying—	
(a) for the first 200 words or fraction thereof	$5.00
(b) and for each additional 100 words or fraction thereof	$2.00
77. Recording unofficial documents in the Miscellaneous Record Book, if typewritten or by other mechanical process—	
(a) for the first two pages or less	$5.00
(b) for each additional page	$1.00
(Item numbers 78 through 81 vacant.)	
DEPARTMENTAL SERVICES FOR WHICH COLLECTION IS EFFECTED AT FIELD POST	
82. Services described in the Departmental "Schedule of Fees" (§ 2.1) when collection is effected at a Foreign Service post. (The fee prescribed in the Departmental "Schedule of Fees".)	
EXEMPTION FOR FEDERAL AGENCIES AND CORPORATIONS	
83. Any and all services (unless above designated "no exceptions") performed for the official use of the Government of the United States or of any corporation in which the Federal Government or its representative shall own the entire outstanding capital stock	No fee
(Item number 84 vacant.)	
SERVICES RENDERED OUTSIDE OF OFFICE	
85. Additional fee for services of officer under the above headings Passport and Citizenship Services, Visa Services for Aliens, Notarial Services and Authentications, and Services Relating to Taking of Evidence, when rendered elsewhere than at a Foreign Service office at the request of the interested parties, for each hour or fraction thereof	$4.00

(b) In addition to the fees prescribed above, transportation and other incidental costs actually and necessarily incurred by officers of the Foreign Service performing services elsewhere than at a Foreign Service office shall be collected from the persons requesting the performance of such services. Such collections shall not be considered as part of the official fees but shall be recorded as deposit funds and accounted for as such.

§ 103.2 *Remittances to Foreign Service posts.* Remittances to Foreign Service posts from persons in the United States in payment of official fees and charges or for the purpose of establishing deposits in advance of rendition of services shall be in a form acceptable to the post, drawn payable to the "American Embassy at [name of city]" (or American Legation, American Consulate General, or American Consulate, as the case may be). This will permit encashment of negotiable instruments by the post when necessary. For method of endorsement of instruments for deposit in the Treasury, when not negotiated locally, see § 9.2 of this chapter.

§ 103.3 *Receipts for fees; register of services.* Every officer of the Foreign Service responsible for the performance of services as enumerated in the Tariff of Fees, Foreign Service of the United States of America (§ 103.1), shall give receipts for fees collected for his official services, specifying the nature of the service and numbered to correspond with entries in a register maintained for the purpose (22 U. S. C. 1192, 1193, and 1194). The register serves as a record of official acts performed by officers of the Foreign Service in a governmental or notarial capacity, corresponding in this regard with the record which notaries are usually expected or required to keep of their official acts (see § 136.2) of this chapter.

§ 103.4 *Refund of fees.* Fees which have been collected for deposit in the Treasury are refundable (a) as specifically authorized by law (see 22 U. S. C. 214a concerning passport fees erroneously charged persons excused from payment, 22 U. S. C. 216 concerning passport fees in cases where the appropriate representative in the United States of a foreign government refuses a visa, and 46 U. S. C. 8 concerning fees improperly imposed on vessels or seamen), (b) when the principal officer at the consular post where the fee was collected (or the officer in charge of the consular section at a combined diplomatic consular post) finds upon review of the facts that the collection was erroneous upon the part of the officer under applicable law and regulation and directs that refund be made, or (c) when a finding that the collection was erroneous under applicable law and regulation is made by the Department of State with a view to payment of the refund in the United States in cases in which it is impracticable to have the facts reviewed and refund effected at the direction of the responsible consular officer. See § 105.1 of this chapter concerning refunds of fees improperly exacted by consular officers who have neglected to return the same to the Treasury.

§ 103.5 *Time at which fees become payable.* Fees are due and payable prior to issuance or delivery to the interested party of a signed document, a copy of a record, or other paper representative of a service performed.

§ 103.6 *Deposits to guarantee payment of fees or incidental costs.* When the amount of any fee is determinable only after initiation of the performance of a service, or if incidental costs are involved, the total fee and incidental costs shall be carefully estimated and an advance deposit required, subject to refund of any unused balance to the person making the deposit.

§ 103.7 *Collection and return of fees.* No fees other than those prescribed in the Tariff of Fees, Foreign Service of the United States of America (§ 103.1), or by or pursuant to an act of Congress, shall be charged or collected by officers of the Foreign Service for official services performed abroad (22 U. S. C. 1201). All fees received by any officer of the Foreign Service for services rendered in connection with the duties of his office or as a consular officer shall be accounted for and paid into the Treasury of the United States (22 U. S. C. 99, 1942 Edition, as amended by § 1131 (26) of the Foreign Service Act of 1946, 60 Stat. 1037, and as modified by 22 U. S. C. 812 of the 1952 Edition). For receipt, registry, and numbering provisions, see § 103.3.

PART 105—PERSONNEL

Part 105 is revised to read as follows:

Sec.
105.1 Improper exaction of fees.
105.2 Embezzlement.
105.3 Liability for neglect of duty or for malfeasance generally; action on bond; penalty.
105.4 False certificate as to ownership of property.

AUTHORITY: §§ 105.1 to 105.4 issued under sec. 302, 60 Stat. 1001; 22 U. S. C. 842.

§ 105.1 *Improper exaction of fees.* Any consular officer who collects, or knowingly allows to be collected for any services any other or greater fees than are allowed by law for such services, shall, besides his liability to refund the same, be liable to pay to the person by whom or in whose behalf the same are paid, treble the amount of the unlawful charge so collected, as a penalty. The refund and penalty may be recovered with costs, in any proper form of action, by such person for his own use. The amount of such overcharge and penalty may at the discretion of the Secretary of the Treasury be ordered withheld from the compensation of such officer for payment to the person entitled to the same (22 U. S. C. 1189).

NOTE: The foregoing relates to improper collection and personal withholding of funds by consular officers. For procedure where a collection, having been erroneously made, has been returned by the officer to the Treasury in good faith, making a subsequent accounting adjustment necessary, see § 103.4, *Refund of fees* of this chapter.

§ 105.2 *Embezzlement.* Every consular officer who shall receive money, property, or effects belonging to a citizen of the United States and shall not within a reasonable time after demand made upon him by the Secretary of State or by such citizen, his executor, administrator, or legal representative, account for and pay over all moneys, property, and effects, less his lawful fees, due to such citizen, shall be deemed guilty of embezzlement, and shall be punishable by imprisonment for not more than five years, and by a fine of not more than $2,000 (22 U. S. C. 1198). Penalties of imprisonment and fine are also prescribed for embezzlement in connection with the acceptance, without execution of a prescribed form of bond, of appointment from any foreign state as administrator, guardian, or to any other office of trust for the settlement or conserva-

tion of estates of deceased persons or of their heirs or of persons under legal disabilities (22 U. S. C. 1178 and 1179). Acceptance of such appointments is not ordinarily permitted under existing regulations. See § 136.81 of this chapter.

§ 105.3 *Liability for neglect of duty or for malfeasance generally; action on bond; penalty.* Whenever any consular officer willfully neglects or omits to perform seasonably any duty imposed upon him by law, or by any order or instruction made or given in pursuance of law, or is guilty of any willful malfeasance or abuse of power, or of any corrupt conduct in his office, he shall be liable to all persons injured by any such neglect, or omission, malfeasance, abuse, or corrupt conduct, for all damages occasioned thereby; and for all such damages, he and his sureties upon his official bond shall be responsible thereon to the full amount of the penalty thereof to be sued in the name of the United States for the use of the person injured. Such suit, however, shall in no case prejudice, but shall be held in entire subordination to the interests, claims, and demands of the United States, as against any officer, under such bond, for every willful act of malfeasance or corrupt conduct in his office. If any consul neglects or omits to perform seasonably the duties imposed upon him by the laws regulating the shipment and discharge of seamen, or is guilty of any malversation or abuse of power, he shall be liable to any injured person for all damage occasioned thereby; and for all malversation and corrupt conduct in office, he shall be punishable by imprisonment for not more than five years and not less than one, and by a fine of not more than $10,000 and not less than $1,000 (22 U. S. C. 1199).

§ 105.4 *False certificate as to ownership of property.* If any consul or vice consul falsely and knowingly certifies that property belonging to foreigners is property belonging to citizens of the United States, he shall be punishable by imprisonment for not more than three years, and by a fine of not more than $10,000 (22 U. S. C. 1200).

PART 109—PROTECTION AND WELFARE OF INDIVIDUALS

Section 109.12 is revised to read as follows:

§ 109.12 *Registration of births.* Consular officers are required, upon application, to record the birth abroad of children who are American citizens. They should impress upon American citizens resident in their respective districts the desirability and importance of a prompt registration of such births. No fee shall be charged for the registration of a birth and the furnishing to the parents of one copy of the completed form. Charges for additional copies are as prescribed in the Schedule of Fees (section 2.1) or in the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

(R. S. 161; 5 U. S. C. 22)

PART 111—PROTECTION AND RELIEF OF ARMED SERVICE PERSONNEL

Part 111 consisting of §§ 111.1, *Services for the Navy,* and 111.2, *Relief of Coast Guard personnel,* is revoked as subject matter of only inter-agency interest.

PART 120—DEATHS AND PERSONAL ESTATES

1. Paragraph (b) of § 120.4 is revised to read as follows:

§ 120.4 *Normal reporting procedure.* * * *

(b) *Information required on Form FS–192.* All information called for under the various headings of Form FS–192 should be supplied in as much detail as possible. When prolonged delay is experienced in procuring full data, the consular officer should prepare and distribute a preliminary report of death on Form FS–192, marking the report "Preliminary." This should be followed by a final and complete report as soon as full data are available. Expanded comments necessary to cover special circumstances concerning the death, should appear under the heading "Remarks." When applicable, statements concerning the following subjects should also appear under the heading "Remarks":

(1) Disposition made of the passport and certificate of naturalization (see § 120.8);

(2) If the deceased is known to have been the recipient of continuing payments other than salary from the Federal Government (e. g., retirement, social security, disability compensation, or veterans insurance or benefits), indication of the nature of the payments received;

(3) If the deceased is a Selective Service registrant of inductible age, his Selective Service registration number and the number and address of his Local Board, when known.

2. Paragraphs (d) and (e) of § 120.4 are revised to read as follows:

(d) *Transmission of Form FS–192 to the Department.* The original of Form FS–192 shall be sent to the Department, plus one additional copy for each agency concerned, if the deceased was:

(1) A recipient of continuing payments other than salary from the Federal Government; or

(2) An officer or employee of the Federal Government (other than Department of Defense or Coast Guard); or

(3) A Selective Service registrant of inductible age.

(e) *Transmission of form to legal representative and next of kin.* A copy of Form FS–192 should be sent to the legal representative. A copy should also be sent to the closest known relative of the deceased (or relatives, if there are two or more persons having equal interests). No fee is prescribed for sending one copy each of completed Form FS–192 to the legal representative and to the closest known relative or relatives.

3. Paragraphs (g) and (h) of § 120.4 are revised to read as follows:

(g) *Supplying copies of form.* Copies of Form FS–192 shall be supplied by the Department of State or by the Foreign Service post upon request to any person having valid need therefor. Charges are as prescribed in the Schedule of Fees (Section 2.1) or in the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

(h) *Fees for issuance of Form FS–192 and extra copies.* (Cancel in its entirety. Matter of charges is covered by (e) and (g) above.)

4. Paragraph (b) of § 120.5 is revised to read as follows:

§ 120.5 *Reports of presumptive deaths.* * * *

(b) *Final report.* In the event that the fact of death is established, a final complete report shall be submitted to the Department on Form FS–192 marked "Final Report", in which reference shall be made, under the heading "Remarks", to the provisional report. If feasible, a "Final Report" should be submitted at such time as legal presumption of death arises in accordance with local law.

5. Paragraph (b) of section 120.7 is revised to read as follows:

§ 120.7 *Reports on deceased persons believed to be United States citizens.* * * *

(b) *Presumptions as to citizenship status.* When the deceased was not currently documented at a Foreign Service office as a United States citizen, it must be assumed that, if the deceased was

(1) A native citizen, he had retained United States citizenship at the time of death, in the absence of evidence of an affirmative act of expatriation under paragraph 1, section 2 of the act of March 2, 1907, section 401 of the Nationality Act of 1940, or sections 349 (a) or 350 of the Immigration and Nationality Act;

(2) A naturalized citizen, he had lost nationality of the United States by having a continuous residence for three years in the territory of a foreign state as provided in section 352 (a) (1) of the Immigration and Nationality Act, or by having a continuous residence for five years in any other foreign state or states as provided in section 352 (a) (2) of the same act, unless there is evidence that his case comes within one of the exceptions established under sections 353 or 354 of the act. Nationality may also have been lost under similar provisions contained in section 404 of the Nationality Act of 1940. The term residence as used herein means the place of general abode, and residence shall be considered continuous for the purpose of sections 350 and 352 (a) (1) and (2) of the act where there is a continuity of stay but not necessarily an uninterrupted physical presence in a foreign state or states or outside the United States.

6. Section 120.29 is revised to read as follows:

§ 120.29 *Nominal possessions; property not normally taken into possession.* (a) The taking of articles of personal property into nominal possession from local officials or other persons, for the explicit purpose of on-the-spot release to the "legal representative" as defined in § 120.18 against the latter's memo-

randum receipt discharging the consular officer without further accounting of any responsibility for articles so transferred by him, shall not be construed as the taking of custody by the officer. No fee shall be charged for the consular officer's service in effecting transfer of the articles in the manner described, provided that he is not required to prepare a consular inventory, appraise the articles, or list the contents of containers, and provided further that the effects are not taken in safekeeping upon official accountability.

(b) The consular officer is not normally expected to take physical possession, as provisional conservator, of livestock or of articles of personal property which may be found in residences and places of storage such as furniture, household effects and furnishings, bulky works of art, etc., unless the items are of such nature and quantity as to be readily included with the personal effects (§ 120.28), or unless such action, when physically possible, is necessary for the preservation or protection of the property, especially where the articles are of considerable intrinsic value; nor is the consular officer normally expected to take into physical possession motor vehicles, airplanes, or powered watercraft. Personal property not taken into possession should, however, be safeguarded by affixing the consular seal on the premises or on the property (whichever is appropriate), provided the laws of the country permit; or by taking reasonable steps to ensure that such items are placed in safekeeping (at the expense of the estate) until action can be taken by the legal representative. In order to protect the interests of the estate, the consular officer should prepare a list, in quintuplicate, of the articles not taken into physical custody, with indication of safeguarding measures taken, for submission with the inventory of effects which must be prepared for all items in his possession (see § 120.35). If the property which normally would be sealed by the consular officer is not immediately accessible, he should consider requesting the local authorities to seal the premises, or the property, or otherwise ensure that the property remains intact until consular seals can be placed thereon or the property placed in safe storage, or until the legal representative assumes responsibility therefor.

7. Section 120.34, *Correspondence relating to estates,* is deleted, as relating to a matter of internal Departmental procedure.

8. Paragraph (b) of § 120.39 is revised as follows:

§ 120.39 *Payment of debts owed by deceased.* * * *

(b) *When cash resources are insufficient.* In the event that the cash resources of the personal estate are not sufficient to pay the debts owing in the country in which the death occurred, or in the country in which the decedent was residing at the time of death, the consular officer should endeavor to obtain sufficient funds from the legal representative, next of kin or other interested person. See § 120.32 concerning funds found in another consular district. Fees are not charged on funds so furnished (§ 120.53). If sufficient funds cannot be assembled from the foregoing sources, the consular officer should sell at auction (see § 120.37), such portion of the personal estate as may be necessary to pay the debts and expenses. Should occasion arise for sale of motor vehicles, airplanes or powered watercraft, title to which and liens upon which in the United States and almost universally are matters of official record, care should be taken to conform with applicable registration requirements. Articles which are most marketable, and at the same time least likely to be desired by the heirs of the decedent, should be sold first. Jewelry, heirlooms and articles which may have sentimental value to relatives, regardless of intrinsic value, should be sold only in case of necessity, and in the order named. Members of the decedent's family should be notified of the necessity for the sale, if practicable, in order that they may purchase these articles if they desire. Proceeds from the sale are regarded as forming part of the personal estate and should be included in the gross amount thereof for the assessment of Foreign Service fees (see § 120.52).

9. Section 120.41 is revised to read:

§ 120.41 *Consular officer not to perform legal services or to employ counsel.* Owing to the legal restriction against engaging in foreign business or professional activity (22 U. S. C. 805), the consular officer shall not act as attorney or agent for the estate. Neither shall he employ counsel at the expense of the United States Government, or the estate, in collecting and disposing of the personal estate of a deceased citizen. If legal assistance is requested of the consular officer, he may furnish the names of several attorneys or inform the inquirer as to sources through which the names of suitable attorneys may be obtained.

10. Paragraph (a) of § 120.51 is revised to read:

§ 120.51 *Preparation and disposition of final statement of account.* (a) The original should be sent to the legal representative with the final balance due the estate;

11. Paragraph (d) of § 120.53 is revised to read:

§ 120.53 *No-fee services.* * * *

(d) For releasing on the spot against memorandum receipt and without occasion either for safekeeping on official accountability or for consular inventory and appraisal, to the legal representative or other authorized person in the country, of personal property taken into nominal possession for the explicit purpose of transfer of custody (§ 120.29 (a)).

12. Paragraph (e) of § 120.53 is canceled.

(Sec. 102, 60 Stat. 1001; 22 U. S. C. 842)

PART 127—SHIPPING AND SEAMEN: VESSELS OF THE UNITED STATES IN FOREIGN PORTS

Section 127.12 (d) is revised to read:

§ 127.12 *Marine notes of protest.* * * *

(d) *Fees charged.* No fees shall be charged for the filing of a marine note of protest by the master of a vessel of the United States. In cases of undocumented American vessels or of foreign vessels, fees in accordance with items 30 and 31 of the Tariff of Fees shall be charged. In those cases where fees are chargeable for this service, consular officers shall not charge an additional fee for certified copies of a marine protest issued at the same time as the original protest but shall charge the fee indicated in item 75 of the Tariff of Fees for copies issued subsequent to the execution of the original protest. The fees for additional copies shall be applicable to American ship operators and agents as well as to foreign shipping interests.

(Sec. 102, 60 Stat. 1001; 22 U. S. C. 842)

PART 131—MARITIME DISASTERS, AWARDS AND SEIZURES

Insert new §§ 131.7, 131.8, and 131.9, as follows:

§ 131.7 *Seizures of vessels.* When a private vessel documented or certified under the laws of the United States is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States, and there is no dispute of material facts with respect to the location or activity of such vessel at the time of the seizure, the Secretary of State shall take as soon as practicable such action as he deems appropriate to attend to the welfare of such vessel and its crew while it is held by such country and to secure the release of such vessel and crew. When a vessel is seized under the above conditions and a fine must be paid in order to secure the prompt release of the vessel and crew, the owners shall be reimbursed by the Secretary of the Treasury in the amount certified to him by the Legal Adviser and Deputy Legal Adviser of the Department of State as being the amount of the fine actually paid. These provisions are not applicable with respect to a seizure made by a country at war with the United States or a seizure made in accordance with provisions of any fishing convention or treaty to which the United States is a party. (68 Stat. 883; 22 U. S. C. 1971-1976, 1952 Ed., Supp. IV)

§ 131.8 *Claims arising out of seizures of vessels*—(a) *Submission of claim.* Claim arising out of seizure of a vessel for the reimbursement of a fine shall be submitted to the Secretary of State. Claim may be filed by the owner of the vessel, or by an authorized agent through the American Consulate. When filed by an agent, the claim must show the title or capacity of the person presenting the claim and be accompanied by evidence of his appointment as a duly authorized agent.

(b) *Form of claim.* Claim shall be prepared in the form of a sworn state-

ment, in triplicate. It shall contain in narrative form a clear chronological statement of the essential facts relating to:

(1) Name and address of claimant,

(2) Citizenship status of claimant,

(3) Date and manner of the owner's acquisition of the vessel or other interest therein,

(4) Date and circumstances relating to the seizure of the vessel, including the approximate location of the vessel at the time of seizure, the maner in which such location was determined, and the activities in which it was engaged at the time of seizure,

(5) Date, amount, and circumstances relating to the payment of the fine and the release of the vessel,

(6) Identification of persons, officials or agencies involved in the seizure of the vessel, the payment of the fine, and the release of the vessel; and the dates involved,

(7) Nature, circumstances, and amount of incidental expenses incurred or other losses sustained by the owner as a consequence of the seizure.

(c) *Evidence to be submitted by claimant.* There shall be attached to the sworn statement of claim documentary evidence consisting of original documents or certified copies thereof to support every allegation in the sworn statement. The documents filed as evidence shall be numbered consecutively and cited by number in the sworn statement in support of which the documents are filed. All evidence shall be filed in triplicate. The original evidence or certified copies thereof shall be attached to the original copy of the claim. Uncertified copies may be attached to the other two copies of the affidavit of claim. All documents in other than the English language shall be accompanied by English translations. The more important documentary evidence filed in suport of the claim shall include the following:

(1) Articles of incorporation of the owner or partnership agreement of the owners and all amendments thereto,

(2) Proof of citizenship of officers and directors of the corporation or of the partners, or of a sole individual owner, as the case may be,

(3) Affidavit of an officer of the corporation as to the citizenship status of the stockholders as far as known,

(4) Receipt for payment of the fine,

(5) Proof to substantiate all other expenses for which claim is made, consisting of receipts, vouchers, etc.,

(6) Log of the vessel seized,

(7) Records of any hearings conducted by authorities of the government making the seizure relative to such seizure,

(8) Certificate of Registry, other document or certificate of the vessel seized,

(9) Convincing evidence of any available nature to bring the case within the provisions of the statute,

(10) Affidavits of officers of the seized vessel corroborating allegations upon which the claim is based.

§ 131.9 *Certification of claim to Treasury Department.* The Department of State will determine on the basis of the facts and evidence submitted whether the amount of the fines should be reimbursed. If reimbursement is considered to be warranted, the Legal Adviser and Deputy Legal Adviser of the Department of State will make the necessary certification to the Secretary of the Treasury.

(Sec. 102, 60 Stat. 1001; 22 U. S. C. 842)

PART 133—SHIPPING AND SEAMEN: FEES FOR SERVICES

1. Section 133.1 is revised to read:

§ 133.1 *Services for American vessels.* No fees are chargeable for services performed for a public vessel or for a vessel regularly documented under the laws of the United States, regardless of whether such vessel was built in the United States or abroad.

2. Section 133.2, *Services for American undocumented vessels,* is deleted.

3. Section 133.3 is revised to read:

§ 133.3 *Services for foreign vessels.* The fees prescribed under the caption "Services Relating to Vessels and Seamen" in the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter), shall be charged and collected for services performed for foreign vessels.

4. Section 133.4, *Fees charged for shipment and discharge of seamen,* is deleted.

(Sec. 102, 60 Stat. 1001; 22 U. S. C. 842)

PART 136—NOTARIAL AND RELATED SERVICES

1. Paragraphs (b) and (c) of section 136.1 are revised to read:

§ 136.1 *Definitions.* * * *

(b) The term "notarial act" means an act recognized by law or usage as pertaining to the office of a notary public.

(c) The term "notarial certificate" may be defined as the signed and sealed statement to which a "notarial act" is almost invariably reduced. The "notarial certificate" attests to the performance of the act by the notary, and may be an independent document or, as in general American notarial practice, may be placed on or attached to the notarized document.

2. Section 136.2 is revised to read:

§ 136.2 *Description of notarial functions of the Foreign Service; record of acts.* The notarial function of officers of the Foreign Service is similar to the function of a notary public in the United States. See § 103.3 of this chapter concerning the giving of receipts for fees collected and the maintenance of a register serving the same purposes as the record which notaries are usually expected or required to keep of their official acts.

3. Section 136.7 is revised to read:

§ 136.7 *Responsibility of officers of the Foreign Service.* As indicated in §§ 136.4, 136.5, and 136.6, the authority of secretaries of embassy or legation as well as consular officers to perform notarial acts is generally recognized. However, the function is essentially consular, and notarial powers are in practice exercised by diplomatic officers only in the absence of a consular officer. Performance of notarial acts by an officer assigned in dual diplomatic and consular capacity shall be under his consular commission, except in special circumstances. For ease of reference, the term "consular officer" is used in this part in discussing the notarial function of the Foreign Service.

4. Section 136.11 is revised to read:

§ 136.11 *Preparation of legal documents*—(a) *By attorneys.* When a document has been prepared by an attorney for signature, a consular officer should not question the form of document unless it is obviously incorrect.

(b) *By consular officers.* A consular officer should not usually prepare for private persons legal documents for signature and notarization. (However, see the provisions in § 136.24 regarding the preparation of affidavits.) When asked to perform such a service, the consular officer should explain that the preparation of legal forms is normally the task of an attorney, that the forms used and the purposes for which they are used vary widely from jurisdiction to jurisdiction, and that he could not guarantee the legal effectiveness of any document which he might prepare. The person desiring the preparation of a legal document should be referred to such publications as Jones Legal Forms and The Lawyers Directory with the suggestion that he select or adapt the form which appears best suited to his needs. The consular officer may, in his discretion, arrange to have a member of his office staff type the document. If the document is typed in the Foreign Service office, the fee for copying shall be collected as prescribed under the caption "Copying and Recording" of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

5. A new paragraph (c) to § 136.39 is inserted as follows:

§ 136.39 *Authenticating foreign public documents (Federal procedures).* * * *

(c) In the absence of a consular officer of the United States as an officer resident in the State of the Vatican City, a copy of any document of record or on file in a public office of said State of the Vatican City, certified by the lawful custodian of such document may be authenticated by a consular officer of the United States resident in Rome, Italy (22 U. S. C. 1204).

6. Sections 136.42, 136.43, and 136.44 are revised to read:

§ 136.42 *Certification of copies of foreign records relating to land titles.* In certifying documents of the kind described in Title 28, section 1742, of the United States Code, diplomatic and consular officers of the United States will conform to the Federal procedures for authenticating foreign public documents (§ 136.39), unless otherwise instructed in a specific case.

§ 136.43 *Fees for notarial services and authentications.* The fees for administering an oath or affirmation and making a certificate thereof, for the taking of an acknowledgment of the execution of a document and executing a certifi-

cate thereof, for certifying to the correctness of a copy of or an extract from a document, official or private, for authenticating a foreign document, or for the noting of a bill of exchange, certifying to protest, etc., are as prescribed under the caption Notarial Services and Authentications in the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter), unless the service is performed under a "no fee" item of the same Tariff. If an oath or affirmation is administered concurrently to several persons and only one consular certificate (jurat) is executed, only one fee is collectible. If more than one person joins in making an acknowledgment but only one certificate is executed, only one fee shall be charged.

§ 136.44 *Fees for protesting nonpayment of bills of exchange.* The fee chargeable under item 55 of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter) is the same for each bill of exchange protested by the consular officer, regardless of the number of parties (drawer or maker, and endorsers) to whom "notice of protest" is sent at the request of the person requiring the service. In addition to the fixed fee, the consular officer should charge under item 85 for time spent outside the office in presenting the negotiable instrument for acceptance or payment.

7. Sections 136.45, 136.46, and 136.47 are hereby deleted. (New §§ 136.43 and 136.44 are intended to supersede §§ 136.43, 136.44, 136.45, 136.46, and 136.47. With these changes §§ 136.45, 136.46, and 136.47 will become vacant numbers in the CFR.)

8. Section 136.48 is revised to read:

§ 136.48 *No-fee services.* The services at Foreign Service posts for which no fee is chargeable are these designated by "no fee" entries in the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

9. Sections 136.54 and 136.55 are revised to read:

§ 136.54 *"Letters rogatory" defined.* In its broader sense in international practice, the term "letters rogatory" denotes a formal request from a court in which an action is pending, to a foreign court to perform some judicial act. Examples are requests for the taking of evidence, the serving of a summons, subpoena, or other legal notice, or the execution of a civil judgment. In United States usage, letters rogatory have been commonly utilized only for the purpose of obtaining evidence. Requests rest entirely upon the comity of courts toward each other, and customarily embody a promise of reciprocity. The legal sufficiency of documents executed in foreign countries for use in judicial proceedings in the United States, and the validity of the execution, are matters for determination by the competent judicial authorities of the American jurisdiction where the proceedings are held, subject to the applicable laws of that jurisdiction. See § 136.66 for procedures in the use of letters rogatory requesting the taking of depositions in foreign jurisdictions.

§ 136.55 *Consular authority and responsibility for taking depositions*—(a) *Requests to take depositions or designations to execute commissions to take depositions.* Any United States consular officer may be requested to take a deposition on notice, or designated to execute a commission to take depositions. A commission or notice should, if possible, identify the officer who is to take the depositions by his official title only as in the following manner: "Any Consul or Vice Consul of the United States of America at (name of locality)". The consular officer responsible for the performance of notarial acts at a post should act on a request to take a deposition on notice, or should execute the commission, when the documents are drawn in this manner, provided local law does not preclude such action. However, when the officer (or officers) is designated by name as well as by title, only the officer (or officers) so designated may take the depositions. In either instance, the officer must be a disinterested party. Rule 28 (c) of the Rules of Civil Procedure for the District Courts of the United States prohibits the taking of a deposition before a person who is a relative, employee, attorney, or counsel of any of the parties, or who is a relative or employee of such attorney or counsel, or who is financially interested in the action.

(b) *Authority in Federal law.* For the basic provisions of law controlling the taking of all depositions for use in either State or Federal courts, for a statement of the necessity to charge the appropriate fee, and for a statement of the penalty for the giving of false evidence, see Title 22, sections 1195 and 1203, of the United States Code. For the more detailed provisions which control particularly the taking of depositions for courts of the United States (i. e., for the Federal courts) see the Rules of Civil Procedure for the District courts of the United States, which appear in Title 28 of the United States Code, following section 2072 thereof. See also Rules of the Court of Claims of the United States, following section 2071 of Title 28. For the provisions of law which govern particularly the taking of depositions to prove the genuineness of foreign documents which it is desired to introduce in evidence in any criminal action or proceeding in a United States (i. e., Federal) court, see Title 18, sections 3491 through 3496, of the United States Code.

(c) *Procedure where laws of the foreign country do not permit the taking of depositions.* In countries where the right to take depositions is not secured by treaty, consular officers may take depositions only if the laws or authorities of the national government will permit them to do so. Consular officers in countries where the taking of depositions is not permitted who receive notices or commissions for taking depositions should return the documents to the parties from whom they are received explaining why they are returning them, and indicating what other method or methods may be available for obtaining the depositions, whether by letters rogatory or otherwise.

10. Paragraph (b) of § 136.56 is revised to read:

§ 136.56 *Summary of procedure for taking depositions.* * * *

(b) When necessary, act as interpreter or translater, or see that arrangements are made for some qualified person to act in this capacity;

11. Section 136.64 is revised to read:

§ 136.64 *Filing depositions*—(a) *Preparation and transmission of envelope.* The notice or commission, the interrogatories, the record of the witnesses' answers, the exhibits, and all other documents and papers pertaining to the depositions should be fastened together (see § 136.63 regarding the arrangement of papers) and should be enclosed in an envelope sealed with the wax engraving seal of the post. The envelope should be endorsed with the title of the action and should be marked and addressed. The sealed envelope should then be transmitted to the court in which the action is pending.

(b) *Furnishing copies.* The original completed depositions should not be sent to any of the parties to the action or to their counsel. However, the consular officer may furnish a copy of a deposition to the deponent or to any party to the action upon the payment of the copying fee and if certification is desired under official seal that the copy is a true copy, the certification fee prescribed in the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

12. Paragraph (4) of § 136.65 (c) is revised to read:

§ 136.65 *Depositions to prove genuineness of foreign documents.* * * *

(c) *Execution and return of commission.* * * *

(4) Section 1 of the act of June 25, 1948 (sec. 1, 62 Stat. 835; 18 U. S. C. 3494) provides that the consular officer, who executes any commission authorized under the same section, as amended (sec. 1, 62 Stat. 834, sec. 53, 63 Stat. 96; 18 U. S. C. 3492), and who is satisfied, upon all the testimony taken, that a foreign document is genuine, should certify such document to be genuine under the seal of his office. This certification must include a statement that the officer is not subject to disqualification under the provisions of section 1 of the act of June 25, 1948, as amended (sec. 1, 62 Stat. 834, sec. 53, 63 Stat. 96; 18 U. S. C. 3492). For purposes of assessment of fees, the issuance of this certificate shall be regarded as a part of the consular service of executing the commission, and no separate fee shall be charged for the certificate.

13. Section 136.66 is revised to read:

§ 136.66 *Depositions taken before foreign officials or other persons in a foreign country*—(a) *Customary practice.* Under the Federal law (rule 28 (b), Rules of Civil Procedure for the Dis-

trict Courts of the United States) and under the laws of some of the States, a commission to take depositions can be issued to a foreign official or to a private person in a foreign country. However, this method is rarely used; commissions are generally issued to United States consular officers. In those countries where American consular officers are not permitted to take testimony (see § 136.55 (c)) and where depositions must be taken before a foreign authority, letters rogatory are usually issued to a foreign court. In Federal practice letters rogatory to request the taking of evidence are issued only when necessary or convenient, on application and notice, and on such terms and with such directions as are just and appropriate (Rule 28 (b), Rules of Civil Procedure for the District Courts of the United States). When the name of the foreign court is not known, letters rogatory are usually addressed "To the Appropriate Judicial Authority in [here name the country]."

(b) *Transmission of letters rogatory to foreign officials.* Letters rogatory may often be sent direct from court to court. However, some foreign governments require that these requests for judicial aid be submitted through the diplomatic channel (i. e., that they be submitted to the Ministry for Foreign Affairs by the American diplomatic representative). A usual requirement is that the letters rogatory as well as the interrogatories and other papers included with them be accompanied by a complete translation into the language (or into one of the languages) of the country of execution. Another requirement is that provision be made for the payment of fees and expenses. Inquiries from interested parties or their attorneys, or from American courts, as to customary procedural requirements in given countries, may be addressed direct to the respective American embassies and legations in foreign capitals, or to the Department of State, Washington 25, D. C.

(c) *Return of letters rogatory executed by foreign officials.* (1) Letters rogatory executed by foreign officials are returned through the same channel by which they were initially transmitted. When such documents are returned to a United States diplomatic mission, the responsible officer should endorse thereon a certificate stating the date and place of their receipt. This certificate should be appended to the documents as a separate sheet. The officer should then enclose the documents in an envelope sealed with the wax engraving seal of the post and bearing an endorsement indicating the title of the action to which the letters rogatory pertain. The name and address of the American judicial body from which the letters rogatory issued should also be placed on the envelope.

(2) If the executed letters rogatory are returned to the diplomatic mission from the Foreign Office in an envelope bearing the seals of the foreign judicial authority who took the testimony, that sealed envelope should not be opened at the mission. The responsible officer should place a certificate on the envelope showing the date it was received at his office and indicating that it is being forwarded in the same condition as received from the foreign authorities. He should then place that sealed envelope in a second envelope, sealed with the wax engraving seal of the post, and bearing the title of the action and the name and address of the American judicial body from which the letters rogatory issued.

(3) Charges should be made for executing either of the certificates mentioned in (1) and (2) above, as prescribed by item 66 of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1), unless the service is classifiable in a no-fee category under the exemption for Federal agencies and corporations (item 83 of the same Tariff).

(4) The sealed letters rogatory should be transmitted by appropriate means to the court in which the action is pending. See Title 28, section 1781, of the United States Code concerning the manner of making return to a court of the United States (Federal court).

14. Paragraphs (e) and (f) of § 136.66 are deleted.

15. Sections 136.68, 136.69, and 136.70 are revised to read:

§ 136.68 *Foreign Service fees and incidental costs in the taking of evidence.* The fees for the taking of evidence by officers of the Foreign Service are as prescribed by the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter), under the caption "Services Relating to the Taking of Evidence," unless the service is performed for official use, which comes under the caption "Exemption for Federal Agencies and Corporations" of the same Tariff. See § 103.5 of this chapter concerning the requirement for advance deposit of estimated fees. When the party on whose behalf the evidence is sought or his local representative is not present to effect direct payment of such incidental costs as postage or travel of witnesses, the advance deposit required by the officer shall be in an amount estimated as sufficient to cover these in addition to the fees proper. The same rule shall apply to charges for interpreting or for the taking and transcribing of a stenographic record when performed commercially rather than by staff members at Tariff of Fee rates.

§ 136.69 *Charges payable to foreign officials, witnesses, foreign counsel, and interpreters*—(a) *Execution of letters rogatory by foreign officials.* Procedures for payment of foreign costs will be by arrangement with the foreign authorities.

(b) *Execution of commissions by foreign officials or other persons abroad.* Procedures for the payment of foreign costs will be as arranged, by the tribunal requiring the evidence, with its commissioner.

(c) *Witness fees and allowances when depositions are taken pursuant to commission from a Federal court.* A witness attending in any court of the United States, or before a United States commissioner, or before any person authorized to take his deposition pursuant to any rule or order of a court of the United States, shall receive $4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 8 cents per mile for going from and returning to his place of residence. Witnesses who are not salaried employees of the Government and who are not in custody and who attend at points so far removed from their respective residence as to prohibit return thereto from day to day shall be entitled to an additional allowance of $8 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance (28 U. S. C. 1821, Supp. IV). Witnesses giving depositions before consular officers pursuant to a commission issued by the Federal court are entitled to these fees and allowances, and the officer shall make payment thereof in the same manner as payment is made of other expenses involved in the execution of the commission, charging the advance deposit provided by the party at whose request the depositions are taken (see § 136.68). In any case to which the Government of the United States, or an officer or agency thereof, is a party, the United States marshal for the district will pay all fees of witnesses on the certificate of the United States Attorney or Assistant United States Attorney, and in the proceedings before a United States Commissioner, on the certificate of such commissioner (28 U. S. C. 1825).

§ 136.70 *Special fees for depositions in connection with foreign documents*—(a) *Fees payable to witnesses.* Each witness whose testimony is obtained under a commission to take testimony in connection with foreign documents for use in criminal cases shall be entitled to receive compensation at the rate of $15 a day for each day of attendance, plus 8 cents a mile for going from his place of residence or business to the place of examination, and returning, by the shortest feasible route (18 U. S. C. 3495 and 3496, and E. O. 10307, 3 CFR 1951 Supp.). When, however, it is necessary to procure the attendance of a witness on behalf of the United States or an indigent party, an officer or agent of the United States may negotiate with the witness to pay compensation at such higher rate as may be approved by the Attorney General, plus the mileage allowance stated above (5 U. S. C. 341). The expense of the compensation and mileage of each witness will be borne by the party, or parties, applying for the commission unless the commission is accompanied by an order of court (18 U. S. C. 3495 (b)) that all fees, compensations, and other expenses authorized by these regulations are chargeable to the United States (18 U. S. C. 3495).

(b) *Fees payable to counsel.* Each counsel who represents a party to the action or proceeding in the examination before the commissioner will receive compensation for each day of attendance at a rate of not less than $15 a day and not more than $50 a day, as agreed between him and the party whom he represents, plus such actual and necessary expenses as may be allowed by the commissioner upon verified statements filed with him. If the commission is issued on application of the United States, the

compensation and expenses of counsel representing each party are chargeable to the United States under section 3495 (b) of Title 18 of the United States Code (18 U. S. C. 3495 and 3496, and E. O. 10307, 3 CFR, 1951 Supp.).

(c) *Fees payable to interpreters and translators.* Each interpreter and translator employed by the commissioner under these regulations shall receive an allowance of $10 a day, plus 8 cents a mile for going from his place of residence or business to the place of examination and returning, by the shortest feasible route. The compensation and mileage of interpreters and translators shall be chargeable to the United States.

(d) *Time for paying fees.* Witnesses, counsel, interpreters, and translators will be paid, in accordance with the foregoing regulations, by the commissioner at the conclusion of their services. Other expenses authorized by these regulations will be paid by the commissioner as they are incurred.

(e) *Payment of fees by the United States.* When it appears that the commission was issued on application of the United States or when the commission is accompanied by an order of court that all fees, compensation, and other expenses authorized by these regulations are chargeable to the United States under section 3495 (b) of Title 18 of the United States Code, the commissioner shall execute the commission without charge for his service as commissioner in connection therewith. The commissioner shall pay witnesses, counsel, interpreter, or translator, and other expenses authorized by these regulations through the disbursing officer in his area in accordance with instructions which will be issued in each case.

(f) *Payment of fees by other parties.* When fees, compensation, and other expenses authorized by this section are chargeable to any party other than the United States, the commissioner shall undertake the execution of the commission only if such party deposits with the Department of State or with the appropriate Foreign Service post, in advance, an amount to be set by the court as apparently adequate to defray all fees, compensation, and other expenses authorized by this part. If the amount of the deposit is later found to be insufficient, the depositor shall be so notified, and the commissioner shall retain the commission and other papers until a sufficient supplemental amount has been deposited. If the amount of the deposit exceeds the aggregate amount of fees, compensation, and other expenses authorized by this part, the excess shall be returned to the party, or parties, entitled thereto. The commissioner shall pay witnesses, counsel, interpreter, or translator, and other expenses authorized by this section, from the proceeds of a check which the disbursing officer for his area will be authorized to draw on the Treasurer of the United States.

16. Sections 136.72 and 136.73 are revised to read:

§ 136.72 *Services in connection with patents and patent applications*—(a) *Affidavit of applicant.* The form of the affidavit of an applicant for a United States patent depends on who is making the application, the type of invention, and the circumstances of the case. Officers of the Foreign Service are not responsible for the correctness of form of such affidavits, and should not endeavor to advise in their preparation. Persons who inquire at a Foreign Service post regarding the filing of patent applications may be referred to the pamphlet entitled "General Information Concerning Patents", if copies thereof are available at the post.

(b) *Oath or affirmation of applicant*—(1) *Authority to administer oath or affirmation.* When an applicant for a patent resides in a foreign country, his oath or affirmation may be made before any diplomatic or consular officer of the United States authorized to administer oaths, or before any officer having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by certificate of a diplomatic or consular officer of the United States (35 U. S. C. 115). See paragraph (c) of this section regarding authentication of the authority of a foreign official. A notary or other official in a foreign country who is not authorized to administer oaths is not qualified to notarize an application for a United States patent.

(2) *Form of oath or affirmation.* See §§ 136.19 and 136.20 for usual forms of oaths and affirmations.

(3) *Execution of jurat.* In executing the jurat, the officer should carefully observe the following direction with regard to ribboning and sealing: When the oath is taken before an officer in a country foreign to the United States, all the application papers, except the drawings, must be attached together and a ribbon passed one or more times through all the sheets of the application, except the drawings, and the ends of said ribbon brought together under the seal before the latter is affixed and impressed, or each sheet must be impressed with the official seal of the officer before whom the oath is taken. If the papers as filed are not properly ribboned or each sheet impressed with the seal, the case will be accepted for examination but before it is allowed, duplicate papers, prepared in compliance with the foregoing sentence, must be filed. (Rule 66, Rules of Practice of the United States Patent Office.)

(c) *Authentication of authority of foreign official*—(1) *Necessity for authentication.* When the affidavit required in connection with a patent application has been sworn to or affirmed before an official in a foreign country other than a diplomatic or consular officer of the United States, an officer of the Foreign Service must authenticate the authority of the official administering the oath or affirmation (35 U. S. C. 115). If the officer of the Foreign Service cannot authenticate the authority of the official administering the oath or affirmation, the document should be authenticated by a superior foreign official, or by a series of superior foreign officials if necessary. The seal and signature of the foreign official who affixes the last foreign authentication to the document should then be authenticated by the officer of the Foreign Service.

(2) *Use of permanent ink.* All papers which will become a part of a patent application filed in the United States Patent Office must be legibly written or printed in permanent ink. (Rule 52, Rules of Practice of the United States Patent Office.) Consular certificates of authentication executed in connection with patent applications should preferably be prepared on a typewriter; they should not be prepared on a hectograph machine.

(d) *Authority of foreign executor or administrator acting for deceased inventor.* Legal representatives of deceased inventors and of those under legal incapacity may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor (35 U. S. C. 117). The rules of the Patent Office require proof of the power or authority of the legal representative. See paragraph (c) of this section for procedure for authenticating the authority of a foreign official.

(e) *Assignments of patents and applications for patents.* An application for a patent, or a patent, or any interest therein, may be assigned in law by an instrument in writing. The applicant, or the patentee, or his assigns or legal representatives, may grant and convey an exclusive right under the application for patent, or under the patent, to the whole or any specified part of the United States. Any such assignment, grant, or conveyance of any application for patent, or of any patent, may be acknowledged, in a foreign country, before "a diplomatic or consular officer of the United States or an officer authorized to administer oaths whose authority is proved by a certificate of a diplomatic or consular officer of the United States" (35 U. S. C. 261). See § 136.37 regarding authentication of the authority of a foreign official.

(f) *Fees.* The fee for administering an oath, taking an acknowledgment, or supplying an authentication, in connection with patent applications is as prescribed in item 49 of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

(g) *Procedure in case fee stamps are lost.* [This paragraph deleted, as it relates only to certificates executed before the use of Foreign Service fee stamps was discontinued.]

§ 136.73 *Services in connection with trademark registrations*—(a) *Authority and responsibility.* Acknowledgments and oaths required in connection with applications for registration of trademarks may be made, in a foreign country, before any diplomatic or consular officer of the United States or before any official authorized to administer oaths in the foreign country whose authority must be proved by a certificate of a diplomatic or consular officer of the United States (15 U. S. C. 1061). The responsibility of officers of the Foreign Service in this connection is the same

as that where notarial services in connection with patent applications are involved (see § 136.72 (a)). (See § 136.72 (c) regarding the authentication of the authority of a foreign official who performs a notarial service in connection with a patent application.)

(b) *Fees.* The fee for administering an oath, taking an acknowledgment, or supplying an authentication, in connection with an application for registration of a trademark, or with the assignment or transfer of rights thereunder, is as prescribed in item 49 of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

18. Paragraph (b) of § 136.74 is revised to read:

§ 136.74 *Services in connection with United States securities or interests therein.* * * *

(b) *Fees.* Officers of the Foreign Service should charge no fees for notarial services they perform in connection with the execution of documents, including the certification or authentication of documents where necessary, which affect United States securities or securities for which the Treasury Department acts as transfer agent, or which may be required in the collection of interest thereon. Items 58 (b) of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter) applies in cases of this nature.

19. Paragraph (b) of § 136.75 is revised to read:

§ 136.75 *Services in connection with income tax returns.* * * *

(b) *Fees.* No charge under the caption "Notarial Services and Authentications" should be made for services performed in connection with the execution of tax returns for filing with the Federal or State Governments or political subdivisions thereof. When requested, see item 58 (d) of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

20. Paragraph (b) of § 136.76 is revised to read:

§ 136.76 *Copying documents.* * * *

(b) *Fees.* The charges for making copies of documents are as prescribed by the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter), under the caption "Copying and Recording", unless the service is performed for official use, which comes under the caption Exemption for Federal Agencies and Corporations of the same Tariff.

21. Paragraphs (c) and (d) of § 136.77 are revised to read:

§ 136.77 *Recording documents.* * * *

(c) *Certificate of recording.* Ordinarily, a certificate of recording need not be issued. The original document may simply be endorsed: "Recorded at (name and location of consular office) this _____ day of _____, 19__, in (here insert appropriate reference to volume of Miscellaneous Record Book)". Below the endorsement should appear the notation regarding the service number, the Tariff item number, and the amount of the fee collected. When a certificate of recording is requested, the consular officer may issue it, if he sees fit to do so. The certificate may be either entered on the document, if space permits, or appended to the document as a separate sheet in the manner prescribed in § 136.17.

(d) *Fees.* The fee for recording unofficial documents at a Foreign Service post is as prescribed under the caption "Copying and Recording" of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter). For purposes of assessment of fees, the issuance of certificates of recording, when requested, shall be regarded as part of the consular service of recording unofficial documents, and no separate fee shall be charged for the certificate.

22. Section 136.78 is revised to read:

§ 136.78 *Translating documents.* Officers of the Foreign Service are not authorized to translate documents or to certify to the correctness of translations. (However, see § 136.56 with regard to interpreting and translating services which may be performed in connection with depositions.) They are authorized to administer to a translator an oath as to the correctness of a translation; to take an acknowledgment of the preparation of a translation; and to authenticate the seal and signature of a local official affixed to a translation. Separate fees should be charged for each of these services, as indicated under the caption "Notarial Services and Authentications" of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

23. Paragraph (b) of § 136.79 is revised to read:

§ 136.79 *Procuring copies of foreign public documents.* * * *

(b) *Payment of expenses involved—* (1) *Official funds not to be used.* The use of official funds to pay for copies of or extracts from foreign public records obtained at the request of private persons is prohibited.

(2) *Payment of costs by Federal Government.* In instances of requests emanating from departments or agencies of the Federal Government for copies of or extracts from foreign public records, the Department will issue to Foreign Service posts concerned appropriate instructions with respect to the payment of whatever local costs may be entailed if the documents cannot be obtained gratis from the local authorities.

(3) *Payment of costs by State or municipal governments.* Should State, county, municipal or other authorities in the United States besides the Federal Government request the consular officer to obtain foreign documents, and express willingness to supply documents gratis in analogous circumstances, the consular officer may endeavor on that basis to obtain the desired foreign documents gratis. Otherwise, such authorities should be informed that they must pay the charges of the foreign officials, as well as any fees which it may be necessary for the consular officer to collect under the provisions of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

(4) *Payment of costs by private persons.* Before a consular officer endeavors to obtain a copy of a foreign public document in behalf of a private person, the person requesting the document should be required to make a deposit of funds in an amount sufficient to defray any charges which may be made by the foreign authorities, as well as the Foreign Service fee for authenticating the document, should authentication be desired.

24. Section 136.80 is revised to read:

§ 136.80 *Obtaining American vital statistics records.* Individuals who inquire as to means of obtaining copies of or extracts from American birth, death, marriage, or divorce records may be advised generally to direct their inquiries to the Vital Statistics Office at the place where the record is kept, which is usually in the capital city of the State or Territory. Legal directories and other published works of reference at the post may be of assistance in providing exact addresses, information about fees, etc. An inquirer who is not an American citizen may write directly to the diplomatic or appropriate consular representative of his own country for any needed assistance in obtaining a desired document.

25. Paragraphs (b) and (e) of § 136.81 are revised to read:

§ 136.81 *Performance of legal services.* * * *

(b) *Performance usually prohibited—* (1) *General prohibition; exceptions.* Officers of the Foreign Service should not perform legal services except when instructed to do so by the Secretary of State, or in cases of sudden emergency when the interests of the United States Government might be involved, or in cases in which no lawyer is available and refusal to perform the service would result in the imposition of extreme hardship upon a United States citizen. There is no objection, however, to permitting persons to use the legal references in the Foreign Service office giving specimen forms of wills, powers of attorney, etc.

(2) *Specific prohibitions and restrictions.* See § 120.41 of this chapter for prohibition of performance of legal services by consular officers in connection with decedents' estates. See § 136.11 restricting the preparation for private parties of legal documents for signature and notarization.

(3) *Acceptance of will for deposit prohibited.* Wills shall not be accepted for safekeeping in the office safe. If a person desires to have his last will and testament made a matter of record in a Foreign Service establishment, the officer to whom application is made shall have the will copied in the Miscellaneous Record Book (§ 136.77) and charge the prescribed fee therefor.

* * * * *

(e) *Fees.* No fee should be charged for any legal services which may be performed under these regulations, beyond the fees or charges for specific services enumerated in the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

26. Section 136.82 is revised to read:

§ 136.82 *Recommending attorneys or notaries*—(a) *Assistance in selecting American lawyers.* When any person in the district of a Foreign Service post desires to have the name of an attorney in the United States, the officer at the post may refer him to American law directories or other published references at his disposal, but he shall refrain from recommending any particular attorney.

(b) *Assistance in selecting foreign attorneys or notaries.*. Persons applying to a Foreign Service post for services of a legal or fiduciary character or for assistance in selecting an attorney or notary capable of rendering the services in view, may be furnished the names of several attorneys or notaries in the district, or referred to the lists to be found in American or foreign law directories or other published references. Alternatively, they may be referred to bar associations or, where applicable, to the organization charged by local law with the responsibility for providing legal assistance.

(c) *Agreements for referral of legal business prohibited.* Officers of the Foreign Service shall not recommend particular attorneys or notaries to persons who apply to a Foreign Service post for legal assistance, nor shall they make agreements with attorneys or notaries for the referral to them of inquiries for legal assistance.

27. Section 136.83, *Submisison of annual list of attorneys,* is deleted in its entirety.

28. Sections 136.85 and 136.86 are revised to read:

§ 136.85 *Service of legal process usually prohibited.* The service of legal process is not normally a Foreign Service function. Except as specifically provided by Federal statute or regulation (see §§ 138.86 to 136.91), officers of the Foreign Service are prohibited from serving legal process or appointing other persons to do so.

§ 136.86 *Consular responsibility for serving subpoenas.* Unless such action is prohibited by the law of the foreign country, officers of the Foreign Service are required to serve subpoenas issued by courts of the United States (i. e., by Federal courts) upon citizens or residents of the United States who have been personally notified in a foreign country to appear to give testimony in answer to letters rogatory issued from the said United States court and who have failed or neglected to do so, or who, having appeared, have refused to give testimony. Officers of the Foreign Service are also required, unless doing so would be contrary to the law of the foreign country, to serve subpoenas issued by courts of the United States upon citizens of residents of the United States who are beyond the jurisdiction of the United States and whose testimony in a criminal proceeding is desired by the Attorney General. (Sec. 1, 62 Stat. 949; 28 U. S. C. 1783.)

29. Sections 136.88, 136.89, and 136.90 are revised to read:

§ 136.88 *Consular procedure.* With regard to the serving of subpoenas and orders to show cause referred to in §§ 136.86 and 136.87, section 1 of the act of June 25, 1948 (sec. 1, 62 Stat. 819, 28 U. S. C. 1783), provides that the subpoena shall designate the time and place for appearance before the court of the United States, and shall issue to any consular officer of the United States in the foreign country. The consular officer is required to make personal service of the subpoena and any order to show cause, rule, judgment or decree on the request of the Federal court or its marshal, and to make return thereof to such court after tendering to the witness his necessary travel and attendance expenses, which will be determined by the court and sent with the subpoena. When the subpoena or order is forwarded to the officer, it is usually accompanied by instructions directing exactly how service should be made and how the return of service should be executed. These instructions should be followed carefully.

§ 136.89 *Fees for service of legal process.* No charge should be made for serving a subpoena or order to show cause issuing out of Federal court under the procedures set forth in § 136.86 and § 136.87. The taking of the affidavit of the officer effecting the service, or the performance of any other notarial act which may be involved in making the return, should be without charge, under the caption "Exemption for Federal Agencies and Corporations" of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

§ 136.90 *Delivering documents pertaining to the revocation of naturalization.* Officers of the Foreign Service shall deliver, or assist in delivering, to designated persons, documents relating to proceedings in the cancellation of certificates of naturalization when such documents are forwarded by duly authorized officials of the Federal courts. The responsibility for furnishing detailed instructions on the procedure to be followed in delivering such documents rests with the court or with the United States attorney concerned, and officers should follow such instructions carefully.

30. Sections 136.92, 136.93, and 136.94 are revised as follows:

§ 136.92 *Service of legal process under provisions of State law.* It may be found that a State statute purporting to regulate the service of process in foreign countries is so drawn as to mention service by an American consular officer or a person appointed by him, without mention of or provision for alternate methods of service. State laws of this description do not operate in derogation of the laws of the foreign jurisdiction wherein it may be sought to effect service of legal process, and such State laws do not serve to impose upon American consular officers duties or obligations which they are unauthorized to accept under Federal law, or require them to perform acts contrary to Federal regulations (see § 136.85).

§ 136.93 *Notarial services or authentications connected with service of process by other persons.* An officer of the Foreign Service may administer an oath to a person making an affidavit to the effect that legal process has been served. When an affidavit stating that legal process has been served is executed before a foreign notary or other official, an officer of the Foreign Service may authenticate the official character of the person administering the oath. The fee for administering an oath to a person making an affidavit or for an authentication, as the case may be, is as prescribed under the caption "Notarial Services and Authentications" in the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter), unless the case is of such nature as to fall under the caption, "Exemption for Federal Agencies and Corporations" of the same Tariff.

§ 136.94 *Replying to inquiries regarding service of process or other documents.* Officers should make prompt and courteous replies to all inquiries regarding the service of legal process or documents of like nature, and should render such assistance as they properly can to the court and to interested parties. Such assistance could include furnishing information as to the standard procedure of the locality for service of legal papers, with the name and address of the local office having a bailiff authorized to effect and make return of service; it could include furnishing a list of local attorneys capable of making necessary arrangements; or it could, where appropriate, include a suggestion that the request of the American court might be presented to the foreign judicial authorities in the form of letters rogatory (see definition, § 136.54, and procedures, § 136.66 (b)). If the person upon whom the process is intended to be served is known to be willing to accept service, or if it is clear that it would be in his interest at least to be informed of the matter, the consular officer may suggest to the interested parties in the United States the drawings up of papers for voluntary execution by such person, such as a waiver of service or a document which would be acceptable to the American court to signify the person's entering an appearance in the action pending therein.

Dated: November 4, 1957.

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for Administration.

[F. R. Doc. 57-9390; Filed, Nov. 13, 1957; 8:48 a. m.]

[Dept. Reg. 108.345]

PART 53—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES IN WARTIME

ALIENS ENTERING; REVOCATION

Part 53, Chapter I, Title 22 of the Code of Federal Regulations, is hereby amended in the following respect:

Sections 53.21 to 53.41, inclusive, of Title 22 of the Code of Federal Regulations, are revoked.

The revocation provided in this joint order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this joint order because the provisions contained therein involve foreign affairs functions of the United States.

Dated: October 4, 1957.

[SEAL] JOHN FOSTER DULLES,
Secretary of State.

Concurred in:

HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 57-9389; Filed, Nov. 13, 1957; 8:48 a. m.]

[Dept. Reg. 108.344]

PART 80—TRADING WITH THE ENEMY

PART 90—REPARATIONS: WORLD WAR II

1. Part 80—Trading With the Enemy is hereby revoked.

2. Part 90—Reparations: World War II is amended in its entirety to read as follows:

Sec.
90.1 Authority to accept reparations payment.
90.2 Redelegation of authority to accept reparations payment.

AUTHORITY: §§ 90.1 and 90.2 issued under sec. 4, 63 Stat. 111, as amended; 5 U. S. C. 151c.

§ 90.1 *Authority to accept reparations payment.* The Director of the Office of European Regional Affairs under the general direction of the Assistant Secretary for European Affairs, and in accordance with current general policies of the Department, shall be responsible for accepting on behalf of the United States Government funds allocated to the United States as reparations payments. Funds received will be deposited in a special account in the United States Treasury.

§ 90.2 *Redelegation of authority to accept reparations payment.* The authority granted to the Director of the Office of European Regional Affairs under § 90.1 may be redelegated to appropriate officials of the United States Government.

Dated: November 5, 1957.

For the Secretary of State.

I. W. CARPENTER, Jr.,
Assistant Secretary for Administration.

[F. R. Doc. 57-9388; Filed, Nov. 13, 1957; 8:47 a. m.]

[Dept. Reg. 108.343]

PART 95—AID TO WAR-DEVASTATED COUNTRIES

PROVIDING FOR CARRYING OUT FOREIGN ASSISTANCE ACT OF 1948

Section 95.4 *Providing for carrying out the Foreign Assistance Act of 1948,* is now obsolete and is hereby revoked.

Dated: November 5, 1957.

For the Secretary of State.

I. W. CARPENTER,
Assistant Secretary for Administration.

[F. R. Doc. 57-9387; Filed, Nov. 13, 1957; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6267]

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

DECLARATIONS OF ESTIMATED INCOME TAX BY INDIVIDUALS AND CORPORATIONS

On June 18, 1957, notice of proposed rule making regarding the regulations under certain provisions of Subtitle F of the Internal Revenue Code of 1954, relating to declarations of estimated income tax by individuals and corporations, was published in the FEDERAL REGISTER (22 F. R. 4290). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes set forth below.

PARAGRAPH 1. Section 1.6015 (b)–1 is revised as follows:

(A) By striking out the last sentence of paragraph (b) and inserting in lieu thereof the following: "In case a joint declaration is made but a joint return is not made for the same taxable year, the payments made on account of the estimated tax for such year may be treated as payments on account of the tax liability of either the husband or wife for the taxable year or may be divided between them in such manner as they may agree. In the event the husband and wife fail to agree to a division, such payments shall be allocated between them in accordance with the following rule. The portion of such payments to be allocated to a spouse shall be that portion of the aggregate of all such payments as the amount of tax shown on the separate return of the taxpayer bears to the sum of the taxes shown on the separate returns of the taxpayer and his spouse."

(B) By striking out the last sentence of paragraph (c) (2) and inserting in lieu thereof the following: "For the purpose of (i) such amended declaration by the surviving spouse, and (ii) allocating the payments made pursuant to the joint declaration between the surviving spouse and the legal representative of the decedent in the event a joint return is not filed, the payments made pursuant to the joint declaration may be divided between the decedent and the surviving spouse in such proportion as the surviving spouse and the legal representative of the decedent may agree. In the event the surviving spouse and the legal representative of the decedent fail to agree to a division, such payments shall be allocated in accordance with the following rule. The portion of such payments to be allocated to the surviving spouse shall be that portion of the aggregate amount of such payments as the amount of tax shown on the separate return of the surviving spouse bears to the sum of the taxes shown on the separate returns of the surviving spouse and of the decedent, and the balance of such payments shall be allocated to the decedent."

PAR. 2. Section 1.6015 (d)–1 (a) (1) is revised by striking out the second sentence and inserting in lieu thereof the following: "For the purpose of making the declaration, the amount of gross income which the taxpayer can reasonably be expected to receive or accrue, depending upon the method of accounting upon which taxable income is computed, and the amount of the estimated allowable deductions and credits to be taken into account in computing the amount of estimated tax shall be determined upon the basis of the facts and circumstances existing as at the time prescribed for the filing of the declaration as well as those reasonably to be anticipated for the taxable year."

PAR. 3. Section 1.6015 (e)–1 is revised by striking out the last three sentences and inserting in lieu thereof the following: "An amended declaration may also be made based upon a change in the number of exemptions to which the taxpayer may be entitled for the then current taxable year. However, only one amended declaration may be filed during any interval between installment dates. See § 1.6073–1 (d). An amended declaration may be filed jointly by husband and wife even though separate declarations have previously been filed. An amended declaration may be made on either Form 1040–ES (marked 'Amended') or on the reverse side of the Statement of Account or Notice of Payment Due furnished the taxpayer by the district director. See, however, paragraph (c) of § 1.6015 (d)–1 for procedure to be followed if the prescribed form is not available."

PAR. 4. Section 1.6016–2 (a) is revised by striking out the last sentence and inserting in lieu thereof the following: "Such amounts of gross income, deductions, and credits should be determined upon the basis of facts and circumstances existing as at the time prescribed for the filing of the declaration as well as those reasonably to be anticipated for the taxable year."

PAR. 5. Section 1.6016–3 is revised by striking out the last sentence and inserting in lieu thereof the following: "Such amended declaration may be made on either Form 1120–ES (marked "Amend-

ed") or on the reverse side of the Notice of Final Installment furnished the corporation by the district director. See, however, paragraph (b) of § 1.6016–2 for procedure to be followed if the prescribed form is not available."

PAR. 6. Section 1.6654–1 is revised as follows:

(A) By striking out the last sentence of paragraph (a) (2) and inserting in lieu thereof the following: "For purposes of determining the period of the underpayment (i) the date prescribed for the payment of any installment of estimated tax shall be determined without regard to any extension of time, and (ii) a payment of estimated tax on any installment date, to the extent that it exceeds the amount of the installment determined under subparagraph (1) (i) of this paragraph for such installment date, shall be considered a payment of any previous underpayment."

(B) By striking out the second sentence of paragraph (a) (3) and inserting in lieu thereof the following: "An equal part of the amount of such credit shall be deemed paid on each installment date (determined under section 6153) for the taxable year unless the taxpayer establishes the dates on which all amounts were actually withheld."

PAR. 7. Section 1.6654–2 is revised as follows:

(A) By adding at the end of paragraph (a) the following sentence: "For rule to be applied in determining taxable income for any period described in subparagraphs (3) and (4) of this paragraph in the case of a taxpayer who employs accounting periods (e. g., thirteen 4-week periods or four 13-week periods) none of which terminates with the end of the applicable period described in subparagraph (3) or (4) of this paragraph, see § 1.6655–2 (a) (5)."

(B) By striking out the last sentence of paragraph (d) (1) (i) and inserting in lieu thereof the following: "He may not deduct any portion of such year-end bonuses in determining his taxable income for any installment period other than the final installment period for the taxable year, since deductions are not allowable until paid or accrued, depending on the taxpayer's method of accounting."

(C) By striking out all of paragraph (d) (1) (ii) and inserting in lieu thereof a new subdivision (ii).

(D) By striking out all of paragraph (e) (1) and (2) and inserting in lieu thereof new subparagraphs (1) and (2).

PAR. 8. Section 1.6655–1 (a) (2) is revised by striking out the last sentence and inserting in lieu thereof the following: "For purposes of determining the period of the underpayment (i) the date prescribed for the payment of either installment of estimated tax shall be determined without regard to any extension of time, and (ii) a payment of estimated tax on the 15th day of the last month of the taxable year, to the extent that it exceeds the amount of the installment determined under subparagraph (1) (i) of this paragraph for such date, shall be considered a payment of the previous underpayment, if any."

PAR. 9. Section 1.6655–2 (a) is revised by striking out the last two sentences and inserting in lieu thereof new subparagraphs (4) and (5).

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

Approved: November 7, 1957.

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

The following regulations relating to declarations of estimated income tax by individuals and corporations are prescribed under certain provisions of Subtitle F of the Internal Revenue Code of 1954.

DECLARATIONS OF ESTIMATED INCOME TAX REQUIREMENTS

TIME AND PLACE FOR FILING DECLARATIONS OF ESTIMATED INCOME TAX

INSTALLMENT PAYMENTS OF ESTIMATED INCOME TAX

FAILURE TO PAY ESTIMATED INCOME TAX

AUTHORITY: §§ 1.6015 (a) to 1.6155–3 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

DECLARATIONS OF ESTIMATED INCOME TAX REQUIREMENTS

§ 1.6015 (a) *Statutory provisions; declaration of estimated income tax by individuals; requirement of declaration.*

SEC. 6015. *Declaration of estimated income tax by individuals*—(a) *Requirement of declaration.* Every individual (other than a nonresident alien with respect to whose wages, as defined in section 3401 (a), withholding under chapter 24 is not made applicable, but including every alien individual who is a resident of Puerto Rico during the entire taxable year) shall make a declaration of his estimated tax for the taxable year if—

(1) The gross income for the taxable year can reasonably be expected to consist of wages (as defined in section 3401 (a)) and of not more than $100 from sources other than such wages, and can reasonably be expected to exceed—

(A) $5,000, in the case of a single individual other than a head of a household (as defined in section 1 (b) (2)) or a surviving spouse (as defined in section 2 (b)) or in the case of a married individual not entitled to file a joint declaration with his spouse;

(B) $10,000, in the case of a head of a household (as defined in section 1 (b) (2)) or a surviving spouse (as defined in section 2 (b)); or

(C) $5,000, in the case of a married individual entitled under subsection (b) to file a joint declaration with his spouse, and the aggregate gross income of such individual and his spouse for the taxable year can reasonably be expected to exceed $10,000; or

(2) The gross income can reasonably be expected to include more than $100 from sources other than wages (as defined in section 3401 (a)) and can reasonably be expected to exceed the sum of—

(A) The amount obtained by multiplying $600 by the number of exemptions to which he is entitled under section 151 plus

(B) $400.

§ 1.6015 (a)–1 *Declarations of estimated income tax by individuals*—(a) *Requirement.* A declaration of estimated tax shall be made by every citizen of the United States, whether residing at home or abroad, every individual residing in the United States though not a citizen thereof, every nonresident alien who is a resident of Canada, Mexico, or Puerto Rico and who has wages subject to withholding at the source under section 3402, and every nonresident alien who has been, or expects to be, a resident of Puerto Rico during the entire taxable year, if—

(1) The gross income for the taxable year can reasonably be expected to consist of wages (as defined in section 3401 (a)) and of not more than $100 from sources other than such wages, and can reasonably be expected to exceed—

(i) $5,000, in the case of a single individual other than a head of a household (as defined in section 1 (b) (2)) or a surviving spouse (as defined in section 2 (b)) or in the case of a married individual not entitled to file a joint declaration with his spouse;

(ii) $10,000, in the case of a head of a household (as defined in section 1 (b) (2)) or a surviving spouse (as defined in section 2 (b)); or

(iii) $5,000, in the case of a married individual entitled under section 6015 (b) to file a joint declaration with his spouse, and the aggregate gross income of such individual and his spouse for the taxable year can reasonably be expected to exceed $10,000; or

(2) The gross income can reasonably be expected to include more than $100 from sources other than wages (as defined in section 3401 (a)) and can reasonably be expected to exceed the sum of—

(i) The amount obtained by multiplying $600 by the number of exemptions to which he is entitled under section 151 plus

(ii) $400.

(b) *Income of child.* In estimating his gross income for the taxable year a parent should not take into account the income of his minor child. Such income is not includible in the gross income of the parent. See section 73 and § 1.73–1.

(c) *Exemption of spouse.* For the purpose of determining whether a declaration of estimated tax is required under the provisions of paragraph (a) (2) of this section, a married person filing a separate declaration may not take into account the exemption of his spouse, if his spouse has, or is reasonably expected to have, gross income, or is reasonably expected to be the dependent of another taxpayer, for the taxable year.

(d) *Nonresident aliens.* (1) A nonresident alien who is—

(i) A resident of Canada or Mexico and enters and leaves the United States at frequent intervals, or

(ii) A resident of Puerto Rico,

and who has wages subject to withholding under section 3402, is required to file a declaration of estimated tax if his gross income meets the requirements of section 6015 (a). In the case of a nonresident alien (other than an alien resident of Puerto Rico for the entire taxable year) gross income means only gross income from sources within the United States. See sections 872 and 876 and the regulations thereunder. As to what constitutes gross income from sources within the United States, see sections 861 to 864, inclusive, and the regulations thereunder. Thus, for example, a nonresident alien, living in Mexico with his wife throughout 1955, makes his return on a calendar year basis. His wife is also a nonresident alien. He is employed as an executive in El Paso, Texas, at a salary of $8,000 per annum and enters and leaves the United States at frequent intervals in pursuit of such employment. He has no reasonable expectation of any other income from United States sources. Since the gross income of such individual derived from sources within the United States in 1955 can reasonably be expected to amount to more than $5,000 (married individual not entitled to file a joint declaration with his spouse), a declaration of estimated tax must be made by such resident of Mexico for 1955.

(2) A nonresident alien who has been, or expects to be, a resident of Puerto Rico during the entire taxable year is required to file a declaration of estimated tax if his gross income meets the requirements of section 6015 (a). For the purpose of such declaration, gross income means gross income from all sources, other than sources within Puerto Rico (but including amounts received for services performed within Puerto Rico as an employee of the United States or any agency thereof). See sections 876 and 933 and the regulations thereunder.

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

Example (1). H maintains as his home a household which is the principal place of abode of himself and his two dependent children. H's wife died in 1953 and he has not remarried. H and his wife filed a joint return for 1953. H's salary from January 1 to June 30, 1955, is at the annual rate of $9,000. However, effective July 1, 1955, his annual salary is increased to $12,000, and under the facts then existing it is reasonable to assume that his salary for the remaining portion of 1955 will remain unchanged and that his total salary for the year will, therefore, be $10,500. Since H is a surviving spouse (as defined in section 2(b)) and his gross income can reasonably be expected to exceed $10,000, he is required to file a declaration of estimated tax for 1955. As to when such declaration must be filed, see section 6073 and §§ 1.6073–1 to 1.6073–4, inclusive.

Example (2). P, a taxpayer making his return on the calendar year basis, is married and has two dependent children. Neither his wife nor his children have any source of income. P is engaged in the practice of his profession on his own account and has gross income of $600 from such profession for the two months of January and February 1955. He reasonably expects that his gross income from his profession will continue to average $300 each month throughout the year and that he will have no income from any other source during 1955. Since P has gross income which can for 1955 reasonably be expected to exceed $2,800 ($2,400 for four exemptions plus $400), and such income does not constitute wages subject to withholding, he is required to file a declaration of estimated tax for that year.

Example (3). S, a married taxpayer, has been regularly employed for many years prior to January 1, 1955, at which date his weekly wage is $75. Neither his wife nor his two children have any source of income. S also owns stock in a corporation from which he has derived regularly for many years prior to 1955, annual dividends ranging from $150 to $175. In view of the fact that his gross income can reasonably be expected to include more than $100 from sources other than wages, and can reasonably be expected to exceed $600 multiplied by his four personal exemptions plus $400, or $2,800, S is required to make a declaration of estimated tax for 1955.

Example (4). H and W, husband and wife, derive their income from wages. Their joint savings account nets them less than $50 in interest each year. During 1955, H expects to receive wages of $7,500, and W expects to receive wages of $4,500. A declaration is required for 1955 since the aggregate gross income of H and W can be expected to exceed $10,000. In the event H and W do not file a joint declaration, a separate declaration must be filed by H since his gross income can reasonably be expected to exceed $5,000 and the aggregate gross income of H and W can reasonably be expected to exceed $10,000.

(f) *Declarations made by agents.* The declaration may be made by an agent if, by reason of illness, the person liable for the making of the declaration is unable to make it. The declaration may also be made by an agent if the taxpayer is unable to make the declaration by reason of continuous absence from the United States (including Puerto Rico as if a part of the United States) for a period of at least 60 days prior to the date prescribed by law for making the declaration. Whenever a declaration is made by an agent it must be accompanied by the prescribed power of attorney, Form 935, except that an agent holding a valid and subsisting general power of attorney authorizing him to represent his principal in making, executing, and filing the declaration, may submit a certified copy thereof in lieu of the authorization on Form 935. The taxpayer and his agent, if any, are responsible for the declaration as made and incur liability for the penalties provided for erroneous, false, or fraudulent declarations.

§ 1.6015 (b) *Statutory provisions; declaration of estimated income tax by individuals; joint declaration by husband and wife.*

SEC. 6015. *Declaration of estimated income tax by individuals.* * * *

(b) *Joint declaration by husband and wife.* In the case of a husband and wife, a single declaration under this section may be made by them jointly, in which case the liability with respect to the estimated tax shall be joint and several. No joint declaration may be made if either the husband or the wife is a nonresident alien, if they are separated under a decree of divorce or of separate maintenance, or if they have different taxable years. If a joint declaration is made but a joint return is not made for the taxable year, the estimated tax for such year may be treated as the estimated tax of either the husband or the wife, or may be divided between them.

§ 1.6015 (b)–1 *Joint declaration by husband and wife*—(a) *In general.* A husband and wife may make a joint declaration of estimated tax even though they are not living together. However, a joint declaration may not be made if they are separated under a decree of divorce or of separate maintenance. A joint declaration may not be made if the taxpayer's spouse is a nonresident alien (including a nonresident alien who is a bona fide resident of Puerto Rico during the entire taxable year) or if his spouse has a different taxable year. If the gross income of each spouse meets the requirements of section 6015 (a), either a joint declaration must be made or a separate declaration must be made by each. For computation of tax in case of a joint return, see § 1.2–1. If a joint declaration is made by husband and wife, the liability with respect to the estimated tax shall be joint and several.

(b) *Application to separate returns.* The fact that a joint declaration of estimated tax is made by them will not preclude a husband and his wife from filing separate returns. In case a joint declaration is made but a joint return is not made for the same taxable year, the payments made on account of the estimated tax for such year may be treated as payments on account of the tax liability of either the husband or wife for the taxable year or may be divided between them in such manner as they may agree. In the event the husband and wife fail to agree to a division, such payments shall be allocated between them in accordance with the following rule. The portion of such payments to be allocated to a spouse shall be that portion of the aggregate of all such payments as the amount of tax shown on the separate return of the taxpayer bears to the sum of the taxes shown on the separate returns of the taxpayer and his sponse.

(c) *Death of spouse.* (1) A joint declaration may not be made after the death of either the husband or wife. However, if it is reasonable for a surviving spouse to assume that there will be filed a joint return for himself and the deceased spouse for his taxable year and the last taxable year of the deceased spouse he may, in making a separate declaration for his taxable year which includes the period comprising such last taxable year of his spouse, estimate taxable income on an aggregate basis and compute his estimated tax in the same manner as though a joint declaration had been filed.

(2) If a joint declaration is made by husband and wife and thereafter one spouse dies, no further payments of estimated tax on account of such joint declaration are required from the estate of the decedent. The surviving spouse, however, shall be liable for the payment of any subsequent installments of the joint estimated tax unless an amended declaration setting forth the separate estimated tax for the taxable year is made by such spouse. Such separate estimated tax shall be paid at the times and in the amounts determined under the rules prescribed in section 6153. For the purpose of (i) such amended declaration by the surviving spouse, and (ii) allocating the payments made pursuant to the joint declaration between the surviving spouse and the legal representative of the decedent in the event a joint return is not filed, the payments made pursuant to the joint declaration may be divided between the decedent and the surviving spouse in such proportion as the surviving spouse and the legal representatitve of the decedent may agree. In the event the surviving spouse and the legal representative of the decedent fail to agree to a division, such payments shall be allocated in accordance with the following rule. The portion of such payments to be allocated to the surviving spouse shall be that portion of the aggregate amount of such payments as the amount of tax shown on the separate return of the surviving spouse bears to the sum of the taxes shown on the separate returns of the surviving spouse and of the decedent, and the balance of such payments shall be allocated to the decedent.

(d) *Signing of declaration.* A joint declaration of a husband and wife shall be signed by both spouses or, if signed by one spouse as agent for the other, authorization must accompany the declaration. Both spouses, whether or not one acts as agent for the other, are responsible for making the declaration and incur liability for the penalties provided for erroneous, false, or fraudulent declarations. For provisions relating to the making of declarations by agents, see paragraph (f) of § 1.6015 (a)–1.

§ 1.6015 (c) *Statutory provisions; declaration of estimated income tax by individuals; estimated tax.*

SEC. 6015. *Declaration of estimated income tax by individuals.* * * *

(c) *Estimated tax.* For purposes of this title, in the case of an individual, the term "estimated tax" means the amount which the individual estimates as the amount of the income tax imposed by chapter 1 for the taxable year, minus the amount which the individual estimates as the sum of any credits against tax provided by part IV of subchapter A of chapter 1.

§ 1.6015 (c)–1 *Definition of estimated tax.* In the case of an individual, the term "estimated tax" means the amount which the individual estimates as the amount of the income tax imposed by chapter 1 of the Code for the taxable year, minus the amount which he estimates as the sum of the credits against tax provided by part IV of subchapter A of such chapter. These credits are those provided by section 31 (relating to tax withheld on wages), section 32 (relating to tax withheld at source on nonresident aliens and foreign corporations and on tax-free covenant bonds), section 33 (relating to foreign taxes), section 34 (relating to dividends received), section 35 (relating to partially tax-exempt interest), and section 37 (relating to retirement income). An individual who expects to elect to pay the optional tax imposed by section 3, or one who expects to elect to take the standard deduction allowed by section 144, should disregard any credits otherwise allowable under sections 32, 33, and 35 in computing his estimated tax since, if he so elects, these credits are not allowed in computing his tax liability. See section 36.

§ 1.6015 (d) *Statutory provisions; declaration of estimated income tax by individuals; contents of declaration.*

SEC. 6015. *Declaration of estimated income tax by individuals.* * * *

(d) *Contents of declaration.* The declaration shall contain such pertinent information as the Secretary or his delegate may by forms or regulations prescribe.

§ 1.6015 (d)–1. *Contents of declaration of estimated tax*—(a) *In general.* (1) The declaration of estimated tax by an individual shall be made on Form 1040–ES. For the purpose of making the declaration, the amount of gross income which the taxpayer can reasonably be expected to receive or accrue, depending upon the method of accounting upon which taxable income is computed, and the amount of the estimated allowable deductions and credits to be taken into account in computing the amount of estimated tax shall be determined upon the basis of the facts and circumstances existing as at the time prescribed for the filing of the declaration as well as those reasonably to be anticipated for the taxable year. If, therefore, the taxpayer is employed at the date prescribed for filing his declaration at a given wage or salary, it should, in the absence of circumstances indicating the contrary, be presumed by him for the purpose of the declaration that such employment will continue to the end of the taxable year at the wage or salary received by him as of such date. In the case of income other than wages and salary the regularity in the payment of income, such as dividends, interest, rents, royalties, and income arising from estates and trusts is a factor to be taken into consideration. Thus, if the taxpayer owns shares of stock in a corporation and dividends have been paid regularly for several years upon such stock, the taxayer in the preparation of his declaration should, in the absence of information indicating a change in the dividend policy, include the prospective dividends from the corporation for the taxable year as well as those actually received in such year prior to the filing of the declaration. In the case of a taxpayer engaged in business on his own account, there shall be made an estimate of gross income and deductions and credits in the light of the best available information affecting the trade, business, or profession.

(2) In the case of any individual who can, at the time of the preparation of his declaration, reasonably anticipate that his gross income will be of such amount and character as to enable him to elect upon his return for such year to compute the tax under section 3 (relating to optional tax), in lieu of the tax imposed by section 1, the declaration of estimated tax may be made upon the basis set forth in section 3 and § 1.3–1. The filing of a declaration computed upon the basis of section 3 shall not constitute the making of an election under section 4 (relating to rules for optional tax) nor will it permit the filing of a return on the basis of the optional tax under section 3 unless the taxpayer otherwise comes within the provisions of sections 3 and 4. For the purpose of computing the tax liability in the case

of married persons, if the taxable income of one spouse is determined without regard to the standard deduction, the standard deduction is not allowed to either. (See, however, paragraph (c) of § 1.142–1 for exceptions where spouses are legally separated under a decree of divorce or separate maintenance.) Hence, where separate declarations are filed, one spouse should not use section 3 in computing the estimated tax unless the other spouse also uses section 3 or employs the standard deduction in computing the estimated tax.

(b) *Computation of estimated tax.* In computing the estimated tax there shall be shown on the declaration—

(1) The amount estimated as the tax for the taxable year after the application of any amounts estimated as the credit for foreign taxes, the dividends received credit, the retirement income credit, the credit for partially tax-exempt interest, and the credit for tax withheld at source, but without regard to the credit under section 31 for tax withheld on wages;

(2) The amount estimated by the taxpayer as the credit under section 31 for tax withheld on wages; and

(3) The excess, if any, of the amount shown under subparagraph (1) of this paragraph over the amount shown under subparagraph (2) of this paragraph, which excess shall be the estimated tax for such taxable year.

If the taxpayer so desires, he may include in his declaration an amount estimated as the tax on self-employment income imposed by section 1401.

(c) *Use of prescribed form.* Copies of Form 1040–ES will so far as possible be furnished taxpayers by district directors. A taxpayer will not be excused from making a declaration, however, by the fact that no form has been furnished to him. Taxpayers not supplied with the proper form should make application therefor to the district director in ample time to have their declarations prepared, verified, and filed with the district director on or before the date prescribed for filing the declaration. If the prescribed form is not available, a statement disclosing the amount estimated as the tax, the estimated credits, and the estimated tax after deducting such credits should be filed as a tentative declaration within the prescribed time, accompanied by the payment of the required installment. Such tentative declaration should be supplemented, without unnecessary delay, by a declaration made on the proper form.

§ 1.6015 (e) *Statutory provisions; declaration of estimated income tax by individuals; amendment of declaration.*

SEC. 6015. *Declaration of estimated income tax by individuals.* * * *

(e) *Amendment of declaration.* An individual may make amendments of a declaration filed during the taxable year under regulations prescribed by the Secretary or his delegate.

§ 1.6015 (e)–1 *Amendment of declaration.* In the making of a declaration of estimated tax, the taxpayer is required to take into account the then existing facts and circumstances as well as those reasonably to be anticipated relating to prospective gross income, allowable deductions, and estimated credits for the taxable year. Amended or revised declarations may be made in any case in which the taxpayer estimates that his gross income, deductions, or credits will differ from the gross income, deductions, or credits reflected in the previous declaration. An amended declaration may also be made based upon a change in the number of exemptions to which the taxpayer may be entitled for the then current taxable year. However, only one amended declaration may be filed during any interval between installment dates. See paragraph (d) of § 1.6073–1. An amended declaration may be filed jointly by husband and wife even though separate declarations have previously been filed. An amended declaration may be made on either Form 1040–ES (marked "Amended") or on the reverse side of the Statement of Account or Notice of Payment Due furnished the taxpayer by the district director. See, however, paragraph (c) of § 1.6015 (d)–1 for procedure to be followed if the prescribed form is not available.

§ 1.6015 (f) *Statutory provisions; declaration of estimated income tax by individuals; return as declaration or amendment.*

SEC. 6015. *Declaration of estimated income tax by individuals.* * * *

(f) *Return as declaration or amendment.* If on or before January 31 (or February 15, in the case of an individual referred to in section 6073 (b), relating to income from farming) of the succeeding taxable year the taxpayer files a return, for the taxable year for which the declaration is required, and pays in full the amount computed on the return as payable, then, under regulations prescribed by the Secretary or his delegate—

(1) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before January 15, such return shall be considered as such declaration; and

(2) If the tax shown on the return (reduced by the sum of the credits against tax provided by part IV of subchapter A of chapter 1) is greater than the estimated tax shown in a declaration previously made, or in the last amendment thereof, such return shall be considered as the amendment of the declaration permitted by subsection (e) to be filed on or before January 15.

§ 1.6015 (f)–1 *Return as declaration or amendment*—(a) *Time for filing return.* (1) If the taxpayer files his return for the calendar year on or before January 31 (or February 15, in the case of an individual referred to in section 6073 (b), relating to income from farming) of the succeeding calendar year (or if the taxpayer is on a fiscal year basis, on or before the last day of the first month (in the case of a farmer, the 15th day of the second month) immediately succeeding the close of such fiscal year), and pays in full the amount computed on the return as payable, then—

(i) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before January 15 of the succeeding year (or the date corresponding thereto in the case of a fiscal year), such return shall be considered as such declaration; or

(ii) If a declaration was filed during the taxable year, such return shall be considered as the amendment of the declaration permitted by section 6015 (e) to be filed on or before January 15 of the succeeding year (or the date corresponding thereto in the case of a fiscal year).

Hence, for example, an individual taxpayer on the calendar year basis who, subsequent to September 1, 1955, first meets the requirements of section 6015 (a) which necessitate the filing of a declaration for 1955, may satisfy the requirements as to the filing of such declaration by filing his return for 1955 on or before January 31, 1956 (February 15, 1956, in the case of a farmer), and paying in full at the time of such filing the tax shown thereon to be payable. Likewise, if a taxpayer files on or before September 15, 1955, a timely declaration for such year and subsequent thereto and on or before January 31, 1956, files his return for 1955, and pays at the time of such filing the tax shown by the return to be payable, such return shall be treated as an amended declaration timely filed.

(2) For the purpose of section 6015 (f) a taxpayer may file his return on or before the last day of the first month following the close of the taxable year even though he has not been furnished Form W–2 by his employer. In such case the taxpayer shall compute, as accurately as possible, his wages for such year and the tax withheld for which he is entitled to a credit, reporting such wages and tax on his return, together with all other pertinent information necessary to the determination of his tax liability for such year.

(b) *Effect on addition to the tax.* Compliance with the provisions of section 6015 (f) will enable a taxpayer to avoid the addition to the tax imposed by section 6654 with respect to an underpayment of the installment not required to be paid until January 15 of the succeeding calendar year (or the corresponding date in the case of a fiscal year). With respect to an underpayment of any earlier installment, compliance with section 6015 (f) will not relieve the taxpayer from the addition to the tax imposed by section 6654. However, the period of the underpayment under section 6654 (c), with respect to any earlier installment, will terminate on January 15 of the succeeding calendar year (or the corresponding date in the case of a fiscal year). For example, a taxpayer discovers on January 14, 1956, that he has underpaid his estimated tax for the calendar year 1955. He may, in lieu of filing an amended declaration on January 15, 1956, and paying the balance of the estimated tax determined thereon, file his final return on January 31, 1956, and pay in full the amount computed thereon as payable. By so doing, he will avoid the addition to the tax with respect to the underpayment of the installment required to be paid by January 15, 1956. The periods of underpayment, under section 6654 (c), as to the installments required to be paid on April 15, 1955, June 15, 1955, and September 15, 1955, also terminate on January 15, 1956.

§ 1.6015 (g) *Statutory provisions; declaration of estimated income tax by individuals; short taxable years.*

SEC. 6015. *Declaration of estimated income tax by individuals.* * * *

(g) *Short taxable years.* An individual with a taxable year of less than 12 months shall make a declaration in accordance with regulations prescribed by the Secretary or his delegate.

§ 1.6015 (g)–1 *Short taxable years of individuals*—(a) *Requirement of declaration.* No declaration may be made for a period of more than 12 months. For purposes of this section a taxable year of 52 or 53 weeks, in the case of a taxpayer who computes his taxable income in accordance with the election permitted by section 441 (f) shall be deemed a period of 12 months. For special rules affecting the time for filing declarations and paying estimated tax by such a taxpayer, see paragraph (b) of § 1.441–2. A separate declaration for a fractional part of a year is required where, for example, there is a change, with the approval of the Commissioner, in the basis of computing taxable income from one taxable year to another taxable year. The periods to be covered by such separate declarations in the several cases are those set forth in section 443. No declaration is required if the short taxable year is—

(1) A period of less than four months,

(2) A period of at least four months but less than six months and the requirements of section 6015 (a) are first met after the 1st day of the fourth month,

(3) A period of at least six months but less than nine months and the requirements of section 6015 (a) are first met after the 1st day of the sixth month, or

(4) A period of nine months or more and the requirements of section 6015 (a) are first met after the 1st day of the ninth month.

In the case of a decedent, no declaration need be filed subsequent to the date of death. As to the requirement for an amended declaration if death of one spouse occurs after filing a joint declaration, see paragraph (c) of § 1.6015 (b)–1.

(b) *Income placed on annual basis.* For the purpose of determining whether the anticipated income for a short taxable year, resulting from a change of annual accounting period, necessitates the filing of a declaration, such income shall be placed on an annual basis in the manner prescribed in section 443 (b) (1). Thus, for example, a taxpayer who changes from a calendar year basis to a fiscal year basis beginning July 1, 1955, will have a short taxable year beginning January 1, 1955, and ending June 30, 1955. If his anticipated gross income for such short taxable year consists solely of wages (as defined in section 3401 (a)) in the amount of $3,000, his total gross income and his gross income from such wages for the purpose of determining whether a declaration is required is $6,000, the amount obtained by placing anticipated income of $3,000 upon an annual basis. Hence, assuming such taxpayer is single, and is not a head of a household or a surviving spouse, he is required to file a declaration of estimated tax for the short taxable year since his anticipated gross income from wages when placed upon an annual basis is in excess of $5,000.

§ 1.6015 (h) *Statutory provisions; declaration of estimated income tax by individuals; estates and trusts.*

SEC. 6015. *Declaration of estimated income tax by individuals.* * * *

(h) *Estates and trusts.* The provisions of this section shall not apply to an estate or trust.

§ 1.6015 (h)–1 *Estates and trusts.* An estate or trust, though generally taxed as an individual, is not required to file a declaration.

§ 1.6015 (i) *Statutory provisions; declaration of estimated income tax by individuals; applicability.*

SEC. 6015. *Declaration of estimated income tax by individuals.* * * *

(i) *Applicability.* This section shall be applicable only with respect to taxable years beginning after December 31, 1954; and sections 58, 59, and 60 of the Internal Revenue Code of 1939 shall continue in force with respect to taxable years beginning before January 1, 1955.

§ 1.6015 (i)–1 *Applicability.* Section 6015 is applicable only with respect to taxable years beginning after December 31, 1954. Sections 58, 59, and 60 of the Internal Revenue Code of 1939 and the regulations thereunder, shall continue in force with respect to taxable years beginning before January 1, 1955.

§ 1.6016 *Statutory provisions; declarations of estimated income tax by corporations.*

SEC. 6016. *Declarations of estimated income tax by corporations*—(a) *Requirement of declaration.* Every corporation subject to taxation under section 11 or 1201 (a), or subchapter L of chapter 1 (relating to insurance companies), shall make a declaration of estimated tax under chapter 1 for the taxable year if its income tax imposed by section 11 or 1201 (a), or such subchapter L, for such taxable year, reduced by the credits against tax provided by part IV of subchapter A of chapter 1, can reasonably be expected to exceed $100,000.

(b) *Estimated tax.* For purposes of this title, in the case of a corporation, the term "estimated tax" means the excess of—

(1) The amount which the corporation estimates as the amount of the income tax imposed by section 11 or 1201 (a), or subchapter L of chapter 1, whichever is applicable, over

(2) the sum of—

(A) $100,000, and

(B) The amount which the corporation estimates as the sum of any credits against tax provided by part IV of subchapter A of chapter 1.

(c) *Contents of declaration.* The declaration shall contain such pertinent information as the Secretary or his delegate may by forms or regulations prescribe.

(d) *Amendment of declaration.* A corporation may make amendments of a declaration filed during the taxable year under regulations prescribed by the Secretary or his delegate.

(e) *Short taxable year.* A corporation with a taxable year of less than 12 months shall make a declaration in accordance with regulations prescribed by the Secretary or his delegate.

(f) *Applicability.* This section shall apply only with respect to taxable years ending on or after December 31, 1955.

§ 1.6016–1 *Declarations of estimated income tax by corporations*—(a) *Requirement.* For taxable years ending on or after December 31, 1955, a declaration of estimated tax shall be made by every corporation (including unincorporated business enterprises electing to be taxed as domestic corporations under section 1361), which is subject to taxation under section 11 or 1201 (a), or subchapter L of chapter 1 of the Code (relating to insurance companies), if its income tax under such sections or such subchapter L for the taxable year can reasonably be expected to exceed the sum of $100,000 plus the amount of any estimated credits allowable under section 32 (relating to tax withheld at source on nonresident aliens and foreign corporations and on tax-free covenant bonds) and section 33 (relating to taxes of foreign countries and possessions of the United States).

(b) *Definition of estimated tax.* The term "estimated tax", in the case of a corporation, means the excess of the amount which such corporation estimates as its income tax liability for the taxable year under section 11 or 1201 (a), or subchapter L of chapter 1 of the Code, over the sum of $100,000 and any estimated credits under sections 32 and 33.

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

Example (1). C, a corporation subject to tax under section 11, reasonably anticipates that it will have taxable income of $212,500 for the calendar year 1955. The normal tax and surtax result in an expected liability of $105,000. C determines that it will not have any allowable credits under sections 32 and 33 for 1955. Since C's expected tax ($105,000) exceeds the exemption ($100,000), a declaration of estimated tax is required to be filed, reporting an estimated tax of $5,000 ($105,000–$100,000) for the calendar year 1955.

Example (2). Under the facts stated in example (1), except that C estimates it will have an allowable foreign tax credit under section 33 in the amount of $10,000, no declaration is required, since C's expected tax ($105,000) does not exceed the $100,000 exemption plus the allowable credit of $10,000.

§ 1.6016–2 *Contents of declaration of estimated tax*—(a) *In general.* The declaration of estimated tax by a corporation shall be made on Form 1120–ES. For the purpose of making the declaration, the estimated tax should be based upon the amount of gross income which the taxpayer can reasonably be expected to receive or accrue, as the case may be, depending upon the method of accounting upon the basis of which the taxable income is computed, and the amount of the estimated allowable deductions and credits to be taken into account. Such amounts of gross income, deductions, and credits should be determined upon the basis of facts and circumstances existing as at the time prescribed for the filing of the declaration as well as those reasonably to be anticipated for the taxable year.

(b) *Use of prescribed form.* Copies of Form 1120–ES will so far as possible be furnished taxpayers by district directors. A taxpayer will not be excused from making a declaration, however, by the fact that no form has been furnished. Taxpayers not supplied with the proper form should make application therefor to the district director in ample time to have their declarations prepared, verified, and filed with the district director on or before the date prescribed for filing the declaration. If the prescribed form is not available a statement disclosing the estimated income tax after the exemption and the credits,

if any, should be filed as a tentative declaration within the prescribed time, accompanied by the payment of the required installment. Such tentative declaration should be supplemented, without unnecessary delay, by a declaration made on the proper form.

§ 1.6016–3 *Amendment of declaration.* In the making of a declaration of estimated tax the corporation is required to take into account the then existing facts and circumstances as well as those reasonably to be anticipated relating to prospective gross income, allowable deductions, and estimated credits for the taxable year. Amended or revised declarations may be made in any case in which the corporation estimates that its gross income, deductions, or credits will materially change the estimated tax reported in the previous declaration. Such amended declaration may be made on either Form 1120–ES (marked "Amended") or on the reverse side of the Notice of Final Installment furnished the corporation by the district director. See, however, paragraph (b) of § 1.6016–2 for procedure to be followed if the prescribed form is not available.

§ 1.6016–4 *Short taxable year*—(a) *Requirement of declaration.* No declaration may be made for a period of more than 12 months. For purposes of this section a taxable year of 52 or 53 weeks, in the case of a corporation which computes its taxable income in accordance with the election permitted by section 441 (f) shall be deemed a period of 12 months. For special rules affecting the time for filing declarations and paying estimated tax by such corporation, see paragraph (b) of § 1.441–2. A separate declaration is required where a corporation is required to submit an income tax return for a period of less than 12 months, but only if such short period ends on or after December 31, 1955. However, no declaration is required if the short taxable year is—

(1) A period of less than 9 month, or

(2) A period of 9 or more months but less than 12 months and the requirements of section 6016 (a) are not met before the 1st day of the last month in the short taxable year.

(b) *Income placed on an annual basis.* In cases where the short taxable year results from a change of annual accounting period, for the purpose of determining whether the anticipated income for a short taxable year will result in an estimated tax liability requiring the filing of a declaration, such income shall be placed on an annual basis in the manner prescribed in section 443 (b) (1). If a tax computed on such annualized income exceeds the sum of $100,000 and any credits under part IV of subchapter A of chapter 1 of the Code, the estimated tax shall be the same part of the excess so computed as the number of months in the short period is of 12 months. Thus, for example, a corporation which changes from a calendar year basis to a fiscal year basis beginning October 1, 1956, will have a short taxable year beginning January 1, 1956, and ending September 30, 1956. If on or before August 31, 1956, the taxpayer anticipates that it will have income of $264,000 for the 9-month taxable year the estimated tax is computed as follows:

(1) Anticipated taxable income for 9 months	$264,000
(2) Annualized income ($264,000 × 12÷9)	352,000
(3) Tax liability on item (2)	177,540
(4) Item (3) reduced by $100,000 (there are no credits under part IV, subchapter A, chapter 1)	77,540
(5) Estimated tax for 9-month period ($77,540×9÷12)	58,155

Since the tax liability on the annualized income is in excess of $100,000, a declaration is required to be filed, reporting an estimated tax of $58,155 for the 9-month taxable period. This paragraph has no application where the short taxable year does not result from a change in the taxpayer's annual accounting period.

TIME AND PLACE FOR FILING DECLARATIONS OF ESTIMATED INCOME TAX

§ 1.6073 *Statutory provisions; time for filing declarations of estimated income tax by individuals.*

SEC. 6073. *Time for filing declarations of estimated income tax by individuals*—(a) *Individuals other than farmers.* Declarations of estimated tax required by section 6015 from individuals not regarded as farmers for the purpose of that section shall be filed on or before April 15 of the taxable year, except that if the requirements of section 6015 are first met—

(1) After April 1 and before June 2 of the taxable year, the declaration shall be filed on or before June 15 of the taxable year, or

(2) After June 1 and before September 2 of the taxable year, the declaration shall be filed on or before September 15 of the taxable year, or

(3) After September 1 of the taxable year, the declaration shall be filed on or before January 15 of the succeeding taxable year.

(b) *Farmers.* Declarations of estimated tax required by section 6015 from individuals whose estimated gross income from farming (including oyster farming) for the taxable year is at least two-thirds of the total estimated gross income from all sources for the taxable year may, in lieu of the time prescribed in subsection (a), be filed at any time on or before January 15 of the succeeding taxable year.

(c) *Amendment.* An amendment of a declaration may be filed in any interval between installment dates prescribed for that taxable year, but only one amendment may be filed in each such interval.

(d) *Short taxable years.* The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary or his delegate.

(e) *Fiscal years.* In the application of this section to the case of a taxable year beginning on any date other than January 1, there shall be substituted, for the months specified in this section, the months which correspond thereto.

§ 1.6073–1 *Time and place for filing declarations of estimated income tax by individuals*—(a) *Individuals other than farmers.* Declarations of estimated tax for the calendar year shall be made on or before April 15th of such calendar year by every individual whose anticipated income for the year meets the requirements of section 6015 (a). If, however, the requirements necessitating the filing of the declaration are first met, in the case of an individual on the calendar year basis, after April 1st, but before June 2d of the calendar year, the declaration must be filed on or before June 15th; if such requirements are first met after June 1st and before September 2d, the declaration must be filed on or before September 15th; and if such requirements are first met after September 1st, the declaration must be filed on or before January 15th of the succeeding calendar year. In the case of an individual on the fiscal year basis, see § 1.6073–2.

(b) *Farmers.* In the case of an individual on a calendar year basis, whose estimated gross income from farming (including oyster farming) for the calendar year is at least two-thirds of his total estimated gross income from all sources for such year, his declaration may be filed on or before the 15th day of January of the succeeding calendar year in lieu of the time prescribed in paragraph (a) of this section. For the filing of a return in lieu of a declaration, see paragraph (a) of § 1.6015 (f)–1. The estimated gross income from farming (including oyster farming) is the estimated income resulting from the cultivation of the soil and the raising or harvesting of any agricultural or horticultural commodities, and the raising of livestock, bees, or poultry. In other words, the requisite gross income must be derived from the operations of a stock, dairy, poultry, fruit, or truck farm, or plantation, ranch, nursery, range, orchard, or oyster bed. If an individual receives for the use of his land income in the form of a share of the crops produced thereon such income is from farming. As to determination of income of farmers, see sections 61 and 162 and the regulations thereunder.

(c) *Place for filing declaration.* The declaration of estimated tax shall be filed with the district director for the district in which the taxpayer expects to file his income tax return.

(d) *Amendment of declaration.* An amended declaration of estimated tax may be filed during any interval between installment dates prescribed for the taxable year. However, no amended declaration may be filed until after the installment date on or before which the original declaration was filed and only one amended declaration may be filed during each interval between installment dates. An amended declaration shall be filed with the district director with whom the original declaration was filed.

§ 1.6073–2 *Fiscal years*—(a) *Individuals other than farmers.* In the case of an individual on the fiscal year basis, the declaration must be filed on or before the 15th day of the 4th month of the taxable year. If, however, the requirements of section 6015 (a) are first met after the 1st day of the 4th month and before the 2d day of the 6th month, the declaration must be filed on or before the 15th day of the 6th month of the taxable year. If such requirements are first met after the 1st day of the 6th month, and before the 2d day of the 9th month, the declaration must be filed on or before the 15th day of the 9th month of the taxable year. If such requirements are first met after the 1st day of the 9th month, the declaration must be filed on or before the 15th day of the 1st month of the succeeding

fiscal year. Thus, if an individual taxpayer has a fiscal year ending on June 30, 1956, his declaration must be filed on or before October 15, 1955, if the requirements of section 6015 (a) are met on or before October 1, 1955. If, however, such requirements are not met until after October 1, 1955, and before December 2, 1955, the declaration need not be filed until December 15, 1955.

(b) *Farmers.* An individual on the fiscal year basis whose estimated gross income from farming (as defined in paragraph (b) of § 1.6073–1) is at least two-thirds of his total estimated gross income from all sources for such taxable year may file his declaration on or before the 15th day of the month immediately following the close of his taxable year.

§ 1.6073–3 *Short taxable years*—(a) *Individuals other than farmers.* In the case of short taxable years the declaration shall be filed on or before the 15th day of the 4th month of such taxable year if the requirements of section 6015 (a) are met on or before the 1st day of the 4th month of such year. If such requirements are first met after the 1st day of the 4th month but before the 2d day of the 6th month, the declaration must be filed on or before the 15th day of the 6th month. If such requirements are first met after the 1st day of the 6th month but before the 2d day of the 9th month, the declaration must be filed on or before the 15th day of the 9th month. If, however, the period for which the declaration is filed is one of 4 months, or one of 6 months and the requirements of section 6015 (a) are not met until after the 1st day of the 4th month, or one of 9 months and such requirements are not met until after the 1st day of the 6th month, the declaration may be filed on or before the 15th day of the succeeding taxable year.

(b) *Farmers.* In the case of an individual whose estimated gross income from farming (as defined in paragraph (b) of § 1.6073–1) for a short taxable year is at least two-thirds of his total estimated gross income from all sources for such taxable year, his declaration may be filed on or before the 15th day of the month immediately following the close of such taxable year.

§ 1.6073–4 *Extension of time for filing declarations by individuals*—(a) *In general.* District directors are authorized to grant a reasonable extension of time for filing a declaration or an amended declaration. An application for an extension of time for filing such a declaration shall be addressed to the district director for the district in which the taxpayer is required to file his declaration, and must contain a full recital of the causes for the delay. Except in the case of taxpayers who are abroad, no extension for filing declarations may be granted for more than six months.

(b) *Citizens outside of the United States.* In the case of a United States citizen outside the continental United States, Hawaii, and Puerto Rico on the 15th day of the 4th month of his taxable year, an extension of time for filing his declaration of estimated tax otherwise due on or before the 15th day of the 4th month of the taxable year is granted to and including the 15th day of the 6th month of the taxable year. As used in this paragraph, the term "continental United States" does not include the Territory of Alaska.

(c) *Addition to tax applicable.* An extension of time for filing the declaration of estimated tax automatically extends the time for paying the estimated tax (without interest) for the same period. However, such extension does not relieve the taxpayer from the addition to the tax imposed by section 6654, and the period of the underpayment will be determined under section 6654 (c) without regard to such extension.

§ 1.6074 *Statutory provisions; time for filing declarations of estimated income tax by corporations.*

SEC. 6074. *Time for filing declarations of estimated income tax by corporations*—(a) *General rule.* The declaration of estimated tax required of corporations by section 6016 shall be filed on or before the 15th day of the 9th month of the taxable year, except that if the requirements of section 6016 are first met after the last day of the 8th month and before the 1st day of the 12th month of the taxable year, the declaration shall be filed on or before the 15th day of the 12th month of the taxable year.

(b) *Amendment.* If a declaration is filed before the 15th day of the 12th month of the taxable year, an amendment of such declaration may be filed on or before such day.

(c) *Short taxable year.* The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary or his delegate.

§ 1.6074–1 *Time and place for filing declarations of estimated income tax by corporations*—(a) *In general.* For taxable years ending on and after December 31, 1955, declarations of estimated tax for the taxable year shall be filed on or before the 15th day of the 9th month of such year by every corporation whose then anticipated income tax liability under section 11, or section 1201 (a), or subchapter L of chapter 1 of the Code for the year meets the requirements of section 6016 (a). If, however, the requirements necessitating the filing of a declaration are first met after the last day of the 8th month and before the first day of the 12th month of the taxable year the declaration must be filed on or before the 15th day of the 12th month of the taxable year. If, however, the requirements of section 6016 (a) are not met before the first day of the 12th month of the taxable year, no declaration need be filed for such year.

(b) *Place for filing declaration.* The declaration of estimated tax shall be filed with the district director for the district in which the corporation expects to file its income tax return.

(c) *Amendment of declaration.* A declaration of estimated tax filed by a corporation prior to the 15th day of the 12th month of the taxable year may be amended, in the manner prescribed in § 1.6016–3, at any time on or before such 15th day. An amended declaration shall be filed with the district director with whom the original declaration was filed.

§ 1.6074–2 *Time for filing declarations by corporations in case of a short taxable year*—(a) *In general.* In the case of a short taxable year of 9 months or more, where the requirements of section 6016 (a) are met before the 1st day of the 9th month of the short taxable year, the declaration shall be filed on or before the 15th day of the 9th month of such short year. In the case of a short taxable year of more than 9 months, where the requirements of section 6016 (a) are first met after the last day of the 8th month, but before the 1st day of the last month of the short taxable year, the declaration shall be filed on or before the 15th day of the last month of such short year. See § 1.6016–4, relating to the requirement of a declaration in the case of a short taxable year, and § 1.6154–2, relating to the time for payment of the estimated tax in case of a short taxable year.

(b) *Amendment of declaration.* A declaration of estimated tax for a short taxable year of more than 9 months filed by a corporation before the 15th day of the last month of the short taxable year may be amended, in the manner prescribed in § 1.6016–3, any time on or before such 15th day.

(c) *Example.* The application of the provisions of this section may be illustrated by the following example:

Example. A corporation which changes from a calendar year basis to a fiscal year basis beginning November 1 will have a short taxable year beginning January 1 and ending October 31. If the requirements of section 6016 (a) are met before September 1 (the 1st day of the 9th month) the corporation is required to file its declaration on or before September 15 (the 15th day of the 9th month). However, if the requirements of section 6016 (a) are first met after August 31 (the last day of the 8th month) but before October 1 (the 1st day of the last month of the short year) the corporation would be required to file its declaration on or before October 15 (the 15th day of the last month of the short year).

§ 1.6074–3 *Extension of time for filing declarations by corporations*—(a) *In general.* District directors are authorized to grant a reasonable extension of time for filing a declaration or an amended declaration. An application by a corporation for an extension of time for filing such a declaration shall be addressed to the district director for the district in which the corporation is required to file its declaration, and must contain a full recital of the causes for the delay.

(b) *Addition to tax applicable.* An extension of time granted to a corporation for filing a declaration of estimated tax automatically extends the time for paying the estimated tax (without interest) for the same period. However, such extension does not relieve the corporation from the addition to the tax imposed by section 6655, and the period of the underpayment will be determined under section 6655 (c) without regard to such extension.

INSTALLMENT PAYMENTS OF ESTIMATED INCOME TAX

§ 1.6153 *Statutory provisions; installment payments of estimated income tax by individuals.*

SEC. 6153. *Installment payments of estimated income tax by individuals*—(a) *General rule.* The amount of estimated tax (as defined in section 6015 (c)) with respect to

which a declaration is required under section 6015 shall be paid as follows:

(1) If the declaration is filed on or before April 15 of the taxable year, the estimated tax shall be paid in four equal installments. The first installment shall be paid at the time of the filing of the declaration, the second and third on June 15 and September 15, respectively, of the taxable year, and the fourth on January 15 of the succeeding taxable year.

(2) If the declaration is filed after April 15 and not after June 15 of the taxable year, and is not required by section 6073 (a) to be filed on or before April 15 of the taxable year, the estimated tax shall be paid in three equal installments. The first installment shall be paid at the time of the filing of the declaration, the second on September 15 of the taxable year, and the third on January 15 of the succeeding taxable year.

(3) If the declaration is filed after June 15 and not after September 15 of the taxable year, and is not required by section 6073 (a) to be filed on or before June 15 of the taxable year, the estimated tax shall be paid in two equal installments. The first installment shall be paid at the time of the filing of the declaration, and the second on January 15 of the succeeding taxable year.

(4) If the declaration is filed after September 15 of the taxable year, and is not required by section 6073 (a) to be filed on or before September 15 of the taxable year, the estimated tax shall be paid in full at the time of the filing of the declaration.

(5) If the declaration is filed after the time prescribed in section 6073 (a) (including cases in which an extension of time for filing the declaration has been granted under section 6081), paragraphs (2), (3), and (4) of this subsection shall not apply, and there shall be paid at the time of such filing all installments of estimated tax which would have been payable on or before such time if the declaration had been filed within the time prescribed in section 6073 (a), and the remaining installments shall be paid at the times at which, and in the amounts in which, they would have been payable if the declaration had been so filed.

(b) *Farmers.* If an individual referred to in section 6073 (b) (relating to income from farming) makes a declaration of estimated tax after September 15 of the taxable year and on or before January 15 of the succeeding taxable year, the estimated tax shall be paid in full at the time of the filing of the declaration.

(c) *Amendments of declaration.* If any amendment of a declaration is filed, the remaining installments, if any, shall be ratably increased or decreased, as the case may be, to reflect the increase or decrease, as the case may be, in the estimated tax by reason of such amendment, and if any amendment is made after September 15 of the taxable year, any increase in the estimated tax by reason thereof shall be paid at the time of making such amendment.

(d) *Application to short taxable years.* The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary or his delegate.

(e) *Fiscal years.* In the application of this section to the case of a taxable year beginning on any date other than January 1, there shall be substituted, for the months specified in this section, the months which correspond thereto.

(f) *Installments paid in advance.* At the election of the individual, any installment of the estimated tax may be paid prior to the date prescribed for its payment.

§ 1.6153–1 *Payment of estimated tax by individuals—(a) In general.* (1) The time for payment of the estimated tax by individuals for calendar years shall be as follows:

Date of filing declaration	*Dates of payment of estimated tax*
(i) On or before April 15	In 4 equal installments—one at time of filing declaration, one on or before June 15, one on or before September 15, and one on or before January 15 of the succeeding taxable year.
(ii) After April 15 and before June 16 if not required to be filed on or before April 15.	In 3 equal installments—one at time of filing declaration, one on or before September 15, and one on or before January 15 of the succeeding taxable year.
(iii) After June 15 and before September 16 if not required to be filed on or before June 15.	In 2 equal installments—one at time of filing declaration, and the other on or before January 15 of the succeeding taxable year.
(iv) After September 15 if not required to be filed on or before September 15.	In full at time of filing declaration.

(2) If, for example, due to the nature and amount of his gross income for 1955, the taxpayer is not required to file his declaration as of April 15, but is required to file the declaration on or before June 15, 1955, the case comes within the scope of subdivision (ii) of subparagraph (1) of this paragraph and the estimated tax is payable in 3 equal installments, the 1st on the date of filing, the 2d on or before September 15, 1955, and the 3d installment on or before January 15, 1956.

(3) If a declaration is filed after the time prescribed in section 6073 (a) (including any extension of time granted for filing the declaration), there shall be paid at such time all installments of the estimated tax which would have been payable on or before such date of filing if the declaration had been timely filed in accordance with the provisions of section 6073 (a). The remaining installments shall be paid at the times and in the amounts in which they would have been payable if the declaration had been timely filed. Thus, for example, B, a single man who makes his return on the calendar year basis, was employed from the beginning of 1955 and for several years prior thereto at an annual salary of $6,000, thus meeting the requirements of section 6015 (a). B filed his declaration for 1955 on September 16, 1955. In such case, B should have filed a declaration on or before April 15, 1955, and at the time of filing his declaration he was delinquent in the payment of three installments of his estimated tax for the taxable year 1955. Hence, upon his filing the declaration on September 16, 1955, three-fourths of the estimated tax shown thereon must be paid.

(4) In the case of a decedent, payments of estimated tax are not required subsequent to the date of death. See, however, paragraph (c) of § 1.6015 (b)–1, relating to the making of an amended declaration by a surviving spouse if a joint declaration was made before the death of the decedent.

(5) The payment of any installment of the estimated tax shall be considered payment on account of the tax for such taxable year. Hence, upon the return for such taxable year, the aggregate amount of the payments of estimated tax should be entered as payments to be applied against the tax shown on such return.

(b) *Farmers.* Special provisions are made with respect to the filing of the declaration and the payment of the tax by an individual whose estimated gross income from farming is at least two-thirds of his total gross income from all sources for the taxable year. As to what constitutes income from farming within the meaning of this paragraph, see paragraph (b) of § 1.6073–1. The declaration of such an individual may be filed on or before January 15 of the succeeding taxable year in lieu of the time prescribed for individuals generally. Where such an individual makes a declaration of estimated tax after September 15 of the taxable year, the estimated tax shall be paid in full at the time of the filing of the declaration.

(c) *Amendment of declaration.* If any amendment of a declaration is filed, the remaining installments, if any, shall be ratably increased or decreased, as the case may be, to reflect the increase or decrease in the estimated tax by reason of the amendment. If any amendment is made after September 15 of the taxable year, any increase in the estimated tax by reason thereof shall be paid at the time of making the amendment.

(d) *Installments paid in advance.* At the election of the taxpayer any installment of the estimated tax may be paid prior to the date prescribed for its payment.

§ 1.6153–2 *Fiscal years.* In the case of an individual on the fiscal year basis, the dates prescribed for payment of the estimated tax shall be the 15th day of the 4th month, the 15th day of the 6th month, and the 15th day of the 9th month of the taxable year and the 15th day of the 1st month of the succeeding taxable year. For example, if an individual having a fiscal year ending on June 30, 1956, first meets the requirements of section 6015 (a) on January 15, 1956, and the declaration is filed on or before March 15, 1956, the estimated tax shall be paid in 2 equal installments, one at the time of filing of such declaration and the other on or before July 15, 1956.

§ 1.6153–3 *Short taxable years.* In the case of a short taxable year of an individual for which a declaration is required to be filed the estimated tax shall be paid in equal installments, one at the time of filing the declaration, one on the 15th day of the 6th month of the taxable year and another on the 15th day of the 9th month of such year unless the short taxable year closed during or prior to such 6th or 9th month, and one on the 15th day of the 1st month of the succeeding taxable year. For example, if the short taxable year is the period of 10 months from January 1, 1955, to October 31, 1955, and the declaration is required to be filed on or before April 15, 1955, the estimated tax is payable in 4 equal installments, one on the date of

filing the declaration, and one each on June 15, September 15, and November 15, 1955. If in such case the declaration is required to be filed after April 15 but on or before June 15, the tax will be payable in 3 equal installments, one on the date of filing the declaration, and one each on September 15, and November 15, 1955. The provisions of paragraph (a) (3) of § 1.6153–1, relating to payment of estimated tax in any case in which the declaration is filed after the time prescribed in section 6073 and §§ 1.6073–1 to 1.6073–4, inclusive, are equally applicable to the payment of the estimated tax for short taxable years.

§ 1.6153–4 *Extension of time for paying the estimated tax.* An extension of time granted an individual under section 6081 for filing the declaration of estimated tax automatically extends the time for paying the estimated tax (without interest) for the same period. See § 1.6073–4 for rules relating to extensions of time for filing declarations of estimated tax by individuals. An application for an extension of time for paying a particular installment of the estimated tax shall be addressed to the district director for the district in which the taxpayer files his declaration, and must contain a full recital of the causes for the delay. Such extension may be for a reasonable period not to exceed 6 months from the date fixed for payment thereof except in the case of a taxpayer who is abroad. Such extension does not relieve the taxpayer from the addition to the tax imposed by section 6654, and the period of the underpayment will be determined under section 6654 (c) without regard to such extension.

§ 1.6154 *Statutory provisions; installment payments of estimated income tax by corporations.*

SEC. 6154. *Installment payments of estimated income tax by corporations*—(a) *Amount of estimated income tax required to be paid.* The amount of estimated tax (as defined in section 6016 (b)) with respect to which a declaration is required under section 6016 shall be paid as follows:

If the taxable year ends—	The amount required to be paid shall be the following percentage of the estimated tax:
On or after Dec. 31, 1955 and before Dec. 31, 1956	10
On or after Dec. 31, 1956 and before Dec. 31, 1957	20
On or after Dec. 31, 1957 and before Dec. 31, 1958	30
On or after Dec. 31, 1958 and before Dec. 31, 1959	40
On or after Dec. 31, 1959	50

(b) *Time for payment of installment.* If the declaration is filed on or before the 15th day of the 9th month of the taxable year, the amount determined under subsection (a) shall be paid in two equal installments. The first installment shall be paid on or before the 15th day of the 9th month of the taxable year, and the second installment shall be paid on or before the 15th day of the 12th month of the taxable year. If the declaration is filed after the 15th day of the 9th month of the taxable year, the amount determined under subsection (a) shall be paid in full on or before the 15th day of the 12th month of the taxable year.

(c) *Amendment of declaration.* If any amendment of a declaration is filed, installments payable on the 15th day of the 12th month, if any, shall be ratably increased or decreased, as the case may be, to reflect the increase or decrease, as the case may be, in the estimated tax by reason of such amendment.

(d) *Application to short taxable year.* The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary or his delegate.

(e) *Installments paid in advance.* At the election of the corporation, any installment of the estimated tax may be paid prior to the date prescribed for its payment.

§ 1.6154–1 *Payment of estimated tax by corporations*—(a) *Amount required to be paid.* Every corporation required to file a declaration of estimated tax shall pay the following percentage of its estimated tax:

If the taxable year ends—	The amount required to be paid is the following percentage of the estimated tax:
On or after Dec. 31, 1955 and before Dec. 31, 1956	10
On or after Dec. 31, 1956 and before Dec. 31, 1957	20
On or after Dec. 31, 1957 and before Dec. 31, 1958	30
On or after Dec. 31, 1958 and before Dec. 31, 1959	40
On or after Dec. 31, 1959	50

(b) *Time for payment.* (1) In the case of a corporation on the calendar year basis which files its declaration on or before September 15 of the taxable year, the percentage of the estimated tax required to be paid is payable in two equal installments, one at the time of filing the declaration, and the other on or before December 15 of the taxable year. If the corporation files its declaration after September 15 of the taxable year the percentage of the estimated tax required to be paid is payable in full on or before December 15 of the taxable year.

(2) In the case of a corporation whose taxable year is not the calendar year, the dates prescribed for payment of the estimated tax shall be the 15th day of the 9th month and the 15th day of the 12th month of such taxable year. If the corporation files its declaration after the 15th day of such 9th month, the percentage of the estimated tax required to be paid is payable in full on or before the 15th day of such 12th month.

(c) *Amendment of declaration.* In the case of an amended declaration, filed in accordance with section 6074, the installment payable on the 15th day of the 12th month of the taxable year shall be ratably increased or decreased, as the case may be, to reflect the increase or decrease in the estimated tax by reason of the amended declaration. For example, C, a corporation on the calendar year basis filed a declaration on September 15, 1955, reporting an estimated tax in the amount of $20,000. The first installment of $1,000 (5 percent of $20,000) accompanied the declaration. However, C filed an amended declaration on December 15, 1955, showing an estimated tax of $30,000. Since C has already paid $1,000, it must make a payment in the amount of $2,000 computed as follows:

Required amount of estimated tax which must be paid for calendar year 1955 (10% of $30,000)	$3,000
Amount paid with original estimate (5% of $20,000)	1,000
Balance to accompany amended declaration	2,000

Had the amended declaration been filed on December 10, 1955, then only the balance of the first installment ($500) otherwise due on September 15 would have been required to be paid with the declaration and the installment required to be paid on or before December 15, 1955, would be $1,500.

(d) *Installments paid in advance.* A corporation may, at its election, pay any installment of its estimated tax in advance of the due date.

(e) *Credit against income tax.* Payments of estimated tax shall be considered payments on account of the income tax liability for the taxable year. Hence the amount of estimated tax paid shall be entered on the return as a credit to be applied against the tax shown thereon.

§ 1.6154–2 *Short taxable years*—(a) *In general.* In the case of a corporation filing a declaration for a short taxable year the amount of the estimated tax required to be paid shall be paid as follows:

(1) If the short taxable year is a period of more than 9 months and the declaration is required to be filed on or before the 15th day of the 9th month, the amount of the estimated tax required to be paid shall be paid in 2 installments; the 1st on or before the 15th day of the 9th month and the 2d on or before the 15th day of the last month of the short taxable year.

(2) If the short taxable year is a period of 9 or more months and the declaration is not required to be filed until the 15th day of the last month of the short taxable year, the amount of the estimated tax required to be paid shall be paid in full on or before the 15th day of the last month of the short taxable year.

(b) *Examples.* The application of the provisions of this section may be illustrated by the following examples:

Example (1). If a corporation changes from a calendar year to a fiscal year beginning November 1, 1956, and ending October 31, 1957, a declaration is required on or before September 15, 1956, for the short taxable year January 1, 1956 to October 31, 1956, if such corporation otherwise meets the requirements of section 6016 (a) on or before August 31, 1956. In such case the first installment of the estimated tax must be paid with the declaration filed on September 15, 1956. The second installment must be paid on or before October 15, 1956, the 15th day of the last month in the short taxable year.

Example (2). If, in the first example, the corporation did not meet the requirements of section 6016 (a) until after August 31, 1956, but before October 1, 1956, the declaration would have been due on October 15, 1956. In such case the amount of the estimated tax required to be paid must be paid in full with the declaration filed on October 15, 1956.

§ 1.6154–3 *Extension of time for paying estimated tax.* An extension of time granted a corporation under section 6081

for filing the declaration of estimated tax automatically extends the time for paying the estimated tax (without interest) for the same period. See § 1.6074–3 for rules relating to extensions of time for filing declarations of estimated tax by corporations. An application for an extension of time for paying an installment of the estimated tax shall be addressed to the district director for the district in which the taxpayer files its declaration, and must contain a full recital of the causes for the delay. Any such extension will not relieve the taxpayer from the addition to the tax imposed by section 6655, and the period of the underpayment will be determined under section 6655 (c) without regard to such extension.

FAILURE TO PAY ESTIMATED INCOME TAX

§ 1.6654 *Statutory provisions; failure by individual to pay estimated income tax.*

SEC. 6654. *Failure by individual to pay estimated income tax*—(a) *Addition to the tax.* In the case of any underpayment of estimated tax by an individual, except as provided in subsection (d), there shall be added to the tax under chapter 1 for the taxable year an amount determined at the rate of 6 percent per annum upon the amount of the underpayment (determined under subsection (b)) for the period of the underpayment (determined under subsection (c)).

(b) *Amount of underpayment.* For purposes of subsection (a), the amount of the underpayment shall be the excess of—

(1) The amount of the installment which would be required to be paid if the estimated tax were equal to 70 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming) of the tax shown on the return for the taxable year or, if no return was filed, 70 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming) of the tax for such year, over

(2) The amount, if any, of the installment paid on or before the last date prescribed for such payment.

(c) *Period of underpayment.* The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier—

(1) The 15th day of the fourth month following the close of the taxable year.

(2) With respect to any portion of the underpayment, the date on which such portion is paid. For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subsection (b) (1) for such installment date.

(d) *Exception.* Notwithstanding the provisions of the preceding subsections, the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds whichever of the following is the lesser—

(1) The amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the least—

(A) The tax shown on the return of the individual for the preceding taxable year, if a return showing a liability for tax was filed by the individual for the preceding taxable year and such preceding year was a taxable year of 12 months, or

(B) An amount equal to the tax computed, at the rates applicable to the taxable year, on the basis of the taxpayer's status with respect to personal exemptions under section 151 for the taxable year, but otherwise on the basis of the facts shown on his return for, and the law applicable to, the preceding taxable year, or

(C) An amount equal to 70 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming) of the tax for the taxable year computed by placing on an annualized basis the taxable income for the months in the taxable year ending before the month in which the installment is required to be paid. For purposes of this subparagraph, the taxable income shall be placed on an annualized basis by—

(i) Multiplying by 12 (or, in the case of a taxable year of less than 12 months, the number of months in the taxable year) the taxable income (computed without deduction of personal exemptions) for the months in the taxable year ending before the month in which the installment is required to be paid,

(ii) Dividing the resulting amount by the number of months in the taxable year ending before the month in which such installment date falls, and

(iii) Deducting from such amount the deductions for personal exemptions allowable for the taxable year (such personal exemptions being determined as of the last date prescribed for payment of the installment); or

(2) An amount equal to 90 percent of the tax computed, at the rates applicable to the taxable year, on the basis of the actual taxable income for the months in the taxable year ending before the month in which the installment is required to be paid.

(e) *Application of section in case of tax withheld on wages.* For purposes of applying this section—

(1) The estimated tax shall be computed without any reduction for the amount which the individual estimates as his credit under section 31 (relating to tax withheld at source on wages), and

(2) The amount of the credit allowed under section 31 for the taxable year shall be deemed a payment of estimated tax, and an equal part of such amount shall be deemed paid on each installment date (determined under section 6153) for such taxable year, unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case the amounts so withheld shall be deemed payments of estimated tax on the dates on which such amounts were actually withheld.

(f) *Tax computed after application of credits against tax.* For purposes of subsections (b) and (d), the term "tax" means the tax imposed by chapter 1 reduced by the credits against tax allowed by part IV of subchapter A of chapter 1, other than the credit against tax provided by section 31 (relating to tax withheld on wages).

(g) *Short taxable year.* The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary or his delegate.

(h) *Applicability.* This section shall apply only with respect to taxable years beginning after December 31, 1954; and section 294 (d) of the Internal Revenue Code of 1939 shall continue in force with respect to taxable years beginning before January 1, 1955.

§ 1.6654–1 *Addition to the tax in the case of an individual*—(a) *In general.* (1) Section 6654 imposes an addition to the tax under chapter 1 of the Code in the case of any underpayment of estimated tax by an individual (with certain exceptions described in section 6654 (d)). This addition to the tax is in addition to any applicable criminal penalties and is imposed whether or not there was reasonable cause for the underpayment. The amount of the underpayment for any installment date is the excess of—

(i) 70 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming) of the tax shown on the return for the taxable year or, if no return was filed, 70 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming) of the tax for such year, divided by the number of installment dates prescribed for such taxable year, over

(ii) The amount, if any, of the installment paid on or before the last day prescribed for such payment.

(2) The amount of the addition is determined at the rate of 6 percent per annum upon the underpayment of any installment of estimated tax for the period from the date such installment is required to be paid until the 15th day of the fourth month following the close of the taxable year, or the date such underpayment is paid, whichever is earlier. For purposes of determining the period of the underpayment (i) the date prescribed for the payment of any installment of estimated tax shall be determined without regard to any extension of time, and (ii) a payment of estimated tax on any installment date, to the extent that it exceeds the amount of the installment determined under subparagraph (1) (i) of this paragraph for such installment date, shall be considered a payment of any previous underpayment.

(3) In determining the amount of the installment paid on or before the last day prescribed for payment thereof, the estimated tax shall be computed without any reduction for the amount which the taxpayer estimates as his credit under section 31 (relating to tax withheld at source on wages), and the amount of such credit shall be deemed a payment of estimated tax. An equal part of the amount of such credit shall be deemed paid on each installment date (determined under section 6153) for the taxable year unless the taxpayer establishes the dates on which all amounts were actually withheld. In the latter case, all amounts withheld shall be considered as payments of estimated tax on the dates such amounts were actually withheld. Under section 31 the entire amount withheld during a calendar year is allowed as a credit against the tax for the taxable year which begins in such calendar year. However, where more than one taxable year begins in any calendar year no portion of the amount withheld during the calendar year will be treated as a payment of estimated tax for any taxable year other than the last taxable year beginning in such calendar year. The rules prescribed in this subparagraph for determining the time as of which the amount withheld shall be deemed paid are applicable even though such amount was withheld during a taxable year preceding that for which the credit is allowed.

(4) The term "tax" when used in subparagraph (1) (i) of this paragraph shall

mean the tax imposed by chapter 1 of the Code reduced by all credits allowed by part IV of subchapter A of that chapter except the credit provided by section 31, relating to tax withheld at source on wages. For the disallowance of certain credits in the case of taxpayers who elect to use the standard deduction or to pay the optional tax imposed by section 3, see section 36.

(b) *Statement relating to underpayment.* If there has been an underpayment of estimated tax as of any installment date prescribed for its payment and the taxpayer believes that one or more of the exceptions described in § 1.6654–2 precludes the assertion of the addition to the tax under section 6654, he should attach to his income tax return for the taxable year a Form 2210 showing the applicability of any exception upon which he relies.

(c) *Examples.* The method prescribed in paragraph (a) of this section for computing the addition to the tax may be illustrated by the following examples.

Example (1). An individual taxpayer files his return for the calendar year 1955 on April 15, 1956, showing a tax of $40,000. He has paid a total of $20,000 of estimated tax in four equal installments of $5,000 on each of the four installment dates prescribed for such year. No other payments were made prior to the date the return was filed. Since the amount of each installment paid by the last date prescribed for payment thereof is less than one-quarter of 70 percent of the tax shown on the return, the addition to the tax is applicable in respect of the underpayment existing as of each installment date and is computed as follows:

(1) Amount of tax shown on return		$40,000
(2) 70 percent of item (1)		28,000
(3) One-fourth of item (2)		7,000
(4) Deduct amount paid on each installment date		5,000
(5) Amount of underpayment for each installment date (item (3) minus item (4))		2,000
(6) Addition to the tax:		
1st installment—period 4–15–55 to 4–15–56	$120	
2d installment—period 6–15–55 to 4–15–56	100	
3d installment—period 9–15–55 to 4–15–56	70	
4th installment—period 1–15–56 to 4–15–56	30	
Total		320

Example (2). An individual taxpayer files his return for the calendar year 1955 on April 15, 1956, showing a tax of $30,000. The requirements of section 6015 (a) were first met after April 1 and before June 2, 1955, and a total of $18,000 of estimated tax was paid in three equal installments of $6,000 on each of the three installment dates prescribed for such year. Since the amount of each installment paid by the last date prescribed for payment thereof is less than one-third of 70 percent of the tax shown on the return, the addition to the tax is applicable in respect of the underpayment existing as of each installment date and is computed as follows:

(1) Amount of tax shown on return		$30,000
(2) 70 percent of item (1)		21,000
(3) One-third of item (2)		7,000
(4) Deduct amount paid on each installment date		$6,000
(5) Amount of underpayment for each installment date (item (3) minus item (4))		1,000
(6) Addition to the tax:		
1st installment—period 6–15–55 to 4–15–56	$50	
2d installment—period 9–15–55 to 4–15–56	35	
3d installment—period 1–15–56 to 4–15–56	15	
Total		100

§ 1.6654–2 *Exceptions to imposition of the addition to the tax in the case of individuals.*—(a) *In general.* The addition to the tax under section 6654 will not be imposed for any underpayment of any installment of estimated tax if, on or before the date prescribed for payment of the installment, the total amount of all payments of estimated tax made equals or exceeds the least of the following amounts—

(1) The amount which would have been required to be paid on or before the date prescribed for payment if the estimated tax were the tax shown on the return for the preceding taxable year, provided that the preceding taxable year was a year of 12 months and a return showing a liability for tax was filed for such year;

(2) The amount which would have been required to be paid on or before the date prescribed for payment if the estimated tax were an amount equal to a tax determined on the basis of the tax rates and the taxpayer's status with respect to personal exemptions under section 151 for the taxable year, but otherwise on the basis of the facts shown on the return for the preceding taxable year and the law applicable to such year, in the case of an individual required to file a return for such preceding taxable year;

(3) The amount which would have been required to be paid on or before the date prescribed for payment if the estimated tax were an amount equal to 70 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming) of the tax computed by placing on an annual basis the taxable income for the calendar months in the taxable year preceding such date. The taxable income shall be placed on an annual basis by—

(i) Multiplying by 12 (or the number of months in the taxable year if less than 12) the taxable income (computed without the standard deduction and without the deductions for personal exemptions), or the adjusted gross income if the standard deduction is to be used, for such calendar months,

(ii) Dividing the resulting amount by the number of such calendar months, and

(iii) Deducting from such amount the standard deduction, if applicable, and the deductions for personal exemptions (such personal exemptions being determined as of the date prescribed for payment); or

(4) An amount equal to 90 percent of the tax computed, at the rates applicable to the taxable year, on the basis of the actual taxable income for the calendar months in the taxable year preceding the date prescribed for payment.

In the case of a taxpayer whose taxable year consists of 52 or 53 weeks in accordance with section 441 (f), the rules prescribed by paragraph (b) of § 1.441–2 shall be applicable in determining, for purposes of subparagraph (1) of this paragraph, whether a taxable year was a year of 12 months and, for purposes of subparagraphs (3) and (4) of this paragraph, the number of calendar months in a taxable year preceding the date prescribed for payment of an installment of estimated tax. For rule to be applied in determining taxable income for any period described in subparagraphs (3) and (4) of this paragraph in the case of a taxpayer who employs accounting periods (e. g., thirteen 4-week periods or four 13-week periods) none of which terminates with the end of the applicable period described in subparagraph (3) or (4) of this paragraph, see paragraph (a) (5) of § 1.6655–2.

(b) *Meaning of terms.* As used in this section and § 1.6654–3—

(1) The term "tax" means the tax imposed by chapter 1 of the Code reduced by the credits against tax allowed by part IV of subchapter A of such chapter, other than the credit against tax provided by section 31 (relating to tax withheld on wages), and without reduction for any payments of estimated tax.

(2) The credits against tax allowed by part IV of subchapter A of chapter 1 are—

(i) In the case of the exception described in subparagraph (1) of paragraph (a) of this section, the credits shown on the return for the preceding taxable year,

(ii) In the case of the exception described in subparagraph (2) of paragraph (a) of this section, the credits shown on the return for the preceding taxable year, except that if the amount of any such credit would be affected by any change in rates or status with respect to personal exemptions, the credits shall be determined by reference to the rates and status applicable to the current taxable year, and

(iii) In the case of the exceptions described in subparagraphs (3) and (4) of paragraph (a) of this section, the credits computed under the law and rates applicable to the current taxable year.

A change in rate may be either a change in the rate of tax, such as a change in the rate of the tax imposed by section 1, or a change in any percentage affecting the computation of the credit, such as a change in the rate of withholding under chapter 3 or a change in the percentage of dividends received specified in section 34 (a). The application of the preceding sentence may be illustrated by the following examples:

Example (1). Assume the percentage of dividends received which, subject to the limitations in section 34 (b), is allowed as a credit against the tax under section 34 (a) is changed from 4 to 5 percent. In determining the applicability of the exception described in subparagraph (2) of paragraph (a) of this section to an underpayment of estimated tax for the year in which such

percentage changes, the 5 percent rate is applicable in determining the amount of the credit under section 34.

Example (2). Assume the rate of tax under section 1 on the first $2,000 of taxable income is changed from 20 percent to 18 percent. The credit allowed under section 37 (a) for retirement income is determined at the rate applicable to the first $2,000 of taxable income. In determining the applicability of the exception described in subparagraph (2) of paragraph (a) of this section to an underpayment of estimated tax for the year during which such change occurs, the 18 percent rate is applicable in determining the amount of the credit for retirement income under section 37.

(3) The term "return for the preceding taxable year" means the income tax return for such year which is required by section 6012 (a) (1).

(c) *Examples.* The following examples illustrate the application of the exceptions to the imposition of the addition to the tax for an underpayment of estimated tax, in the case of an individual whose taxable year is the calendar year:

Example (1). T, a married man with one child and a dependent parent, files a joint return with his spouse, W, for 1955 on April 15, 1956, showing taxable income of $44,000 and a tax of $16,760. T and W had filed a joint declaration of estimated tax on April 15, 1955, showing an estimated tax of $10,000 which was paid in four equal installments of $2,500 each on April 15, June 15, and September 15, 1955, and January 15, 1956. The balance of $6,760 was paid with the return. T and W have an underpayment of estimated tax of $433 (¼ of 70% of $16,760, less $2,500) for each installment date. The 1954 calendar year return of T and W showed a liability of $10,000. Since the total amount of estimated tax paid by each installment date equalled the amount that would have been required to be paid on or before each of such dates if the estimated tax were the tax shown on the return for the preceding year, the exception described in paragraph (a) (1) of this section applies and no addition to the tax will be imposed.

Example (2). Assume the same facts as in example (1) except that the joint return of T and W for 1954 showed taxable income of $32,000 and a tax liability of $10,400. Assume further that only two personal exemptions under section 151 appeared on the 1954 return. The exception described in paragraph (a) (1) of this section would not apply. However, T and W are entitled to four exemptions under section 151 for 1955. Taxable income for 1954 based on four exemptions, but otherwise on the basis of the facts shown on the 1954 return, would be $30,800. The tax on such amount in the case of a joint return would be $9,836. Since the total amount of estimated tax paid by each installment date exceeds the amount which would have been required to be paid on or before each of such dates if the estimated tax were $9,836, the exception described in paragraph (a) (2) of this section applies and no addition to the tax will be imposed.

Example (3). A and B, his spouse, filed a joint return for the calendar year 1955, showing a tax liability of $10,000, attributable primarily to income received during the last quarter of the year. Their aggregate payments of estimated tax on or before September 15, 1955, total $1,312.50, representing three installments of $437.50 paid on each of the first three installment dates prescribed for the taxable year. There was an underpayment on each of these dates since the installment paid, $437.50, was less than $1,750 (¼ of 70 percent of $10,000). Assume that the exceptions described in paragraph (a) (1) and (2) of this section do not apply. Actual taxable income for the three months ending March 31, 1955, was $2,000 and for the five months ending May 31, 1955, was $4,500. Since the amounts paid by the April 15 and June 15 installment dates, $437.50 and $875, respectively, exceeded $360 and $819 (90 percent of the tax determined on actual taxable income of $2,000 and $4,500, respectively, on the basis of a joint return), the exception described in paragraph (a) (4) of this section applies and no addition to the tax will be imposed for the underpayments on the April 15 and June 15 installment dates. Actual taxable income, assuming A and B did not elect to use the standard deduction, for the eight months ending August 31, 1955, was $7,000. Since the total amount paid by the September 15 installment date, $1,312.50, was less than $1,314 (90 percent of the tax on $7,000 of taxable income, determined on the basis of a joint return), the exception described in paragraph (a) (4) of this section does not apply to the September 15 installment. However, the exception described in paragraph (a) (3) of this section does apply in accordance with the following computation:

Taxable income for the period ending Aug. 31, 1955 (without deduction for personal exemptions) on an annual basis ($8,200×12÷8)		$12,300.00
Deduction for two personal exemptions		1,200.00
		11,100.00
Tax on $11,100 (on the basis of a joint return)		2,486.00
¾ of 70 percent of $2,486		1,305.15
Amount paid by Sept. 15, 1955		1,312.50

Example (4). Assume the same facts as in example (3) and assume further that adjusted gross income for the eight months ending August 31, 1955, was $8,700 and the amount of deductions (other than the deduction for personal exemptions) not allowable in determining adjusted gross income aggregate only $500. If A and B elect, they may use the standard deduction in computing the tax for purposes of the exceptions described in paragraph (a) (3) and (4) of this section. Taxable income, for purposes of the exception described in paragraph (a) (4) of this section would be reduced to $6,630 with the use of the standard deduction ($8,700 less $1,200 for two personal exemptions and $870 for the standard deduction). The tax thereon is $1,378.60. Since the amount paid by the September 15 installment date, $1,312.50, exceeds $1,180.74 (90 percent of $1,378.60), the exception described in paragraph (a) (4) of this section applies. The exception described in paragraph (a) (3) of this section also applies in accordance with the following computation:

Adjusted gross income for period ending Aug. 31, 1955		$8,700.00
Adjusted gross income annualized ($8,700×12÷8)		13,050.00
Taxable income annualized ($13,050 minus $1,200 for two personal exemptions and $1,000 for standard deduction)		10,850.00
Tax on $10,850 (on basis of joint return)		2,421.00
Three-fourths of 70 percent of $2,421		1,271.02
Amount paid by Sept. 15, 1955		1,312.50

Example (5). H was a married individual, 73 years of age, who filed a joint return with his wife, W, for the calendar year 1956. W, who was 70 years of age, had no income during the year. H had taxable income in the amount of $7,000 for the eight-month period ending on August 31, 1956, which included $2,000 of dividend income (after excluding $50 under section 116) and $900 of rental income. The $7,000 figure also reflected a deduction of $2,400 for personal exemptions ($600×4), since H and W were both over 65 years of age. The application of the exception described in paragraph (a) (3) of this section to an underpayment of estimated tax on the September 15th installment date may be illustrated by the following computation:

Taxable income for the period ending August 31, 1956 (without deduction for personal exemptions) on an annual basis ($9,400×12÷8)		$14,100.00
Deduction for personal exemptions		2,400.00
Taxable income on an annual basis		11,700.00
Tax (on the basis of a joint return)		2,642.00
Dividends received for 8-month period	$2,050	
Less: Amount excluded from gross income under section 116	50	
Dividends included in gross income	2,000	
Dividend income annualized ($2,000×12÷8)	3,000	
Dividends received credit under section 34 (4 percent of $3,000)		120.00
Tax less dividends received credit		2,522.00
Retirement income (as defined in section 37 (c)) includes:		
Dividend income (to extent included in gross income)	$2,000	
Rental income	900	
Total retirement income	2,900	
Limit on amount of retirement income under section 37 (d)	1,200	
Retirement income credit under section 37 (20 percent of $1,200)		240.00
Tax less credits under section 34 and section 37		2,282.00
Amount determined under the exception described in paragraph (a) (3) of this section (¾ of 70 percent of $2,282)		1,198.05

(d) *Determination of taxable income for installment periods*—(1) *In general.* (i) In determining the applicability of the exceptions described in paragraph (a) (3) and (4) of this section, there must be an accurate determination of the amount of income and deductions for the calendar months in the taxable year preceding the installment date as of which the determination is made, that is, for the period terminating with the last day of the third, fifth, or eighth month of the taxable year. For example, a taxpayer distributes year-end bonuses to his employees but does not determine the amount of the bonuses until the last month of the taxable year. He may not deduct any portion of such year-end bonuses in determining his taxable income for any installment period other than the final installment period for the taxable year, since deductions are not allowable until paid or accrued, depending on the taxpayer's method of accounting.

(ii) If a taxpayer on an accrual method of accounting wishes to use either of the exceptions described in paragraph (a) (3) and (4) of this section, he must establish the amount of income and deductions for each applicable period. If his income is derived from a business in which the production, purchase, or sale

of merchandise is an income-producing factor requiring the use of inventories, he will be unable to determine accurately the amount of his taxable income for the applicable period unless he can establish, with reasonable accuracy, his cost of goods sold for the applicable installment period. The cost of goods sold for such period shall be considered, unless a more exact determination is available, as such part of the cost of goods sold during the entire taxable year as the gross receipts from sales for such installment period is of gross receipts from sales for the entire taxable year.

(2) *Members of partnerships.* The provisions of this subparagraph shall apply in determining the applicability of the exceptions described in paragraph (a) (3) and (4) of this section to an underpayment of estimated tax by a taxpayer who is a member of a partnership.

(i) There shall be taken into account—

(*a*) The partner's distributive share of partnership items set forth under section 702,

(*b*) The amount of any guaranteed payments under section 707 (c), and

(*c*) Gains or losses on partnership distributions which are treated as gains or losses on sales of property.

In determining a partner's taxable income for the months in his taxable year which precede the month in which the installment date falls, the partner shall take into account items set forth in section 702 for any partnership taxable year ending with or within his taxable year to the extent that such items are attributable to months in such partnership taxable year which precede the month in which the installment date falls. In addition, a partner shall include in his taxable income for the months in his taxable year which precede the month in which the installment date falls guaranteed payments from the partnership to the extent that such guaranteed payments are includible in his taxable income for such months. See section 706 (a), section 707 (c) and paragraph (c) of § 1.707–1.

(ii) The provisions of subdivision (i) (*a*) and (*b*) of this subparagraph may be illustrated by the following examples:

Example (1). A, whose taxable year is the calendar year, is a member of a partnership whose taxable year ends on January 31st. A must take into account, in determining his taxable income for the installment due on April 15, 1955, all of his distributive share of partnership items described in section 702 and the amount of any guaranteed payments made to him which were deductible by the partnership in the partnership taxable year beginning on February 1, 1954, and ending on January 31, 1955.

Example (2). Assume that the taxable year of the partnership of which A, a calendar year taxpayer, is a member ends on June 30th. A must take into account in the determination of his taxable income for the installment due on April 15, 1955, his distributive share of partnership items described in section 702 for the period July 1, 1954, through March 31, 1955; for the installment due on June 15, 1955, he must take into account such amounts for the period July 1, 1954, through May 31, 1955; and for the installment due on September 15, 1955 he must take into account such amounts for the entire partnership taxable year of July 1, 1954, through June 30, 1955 (the date on which the partnership taxable year ends).

(3) *Beneficiaries of estates and trusts.* In determining the applicability of the exceptions described in paragraph (a) (3) and (4) of this section as of any installment date, the beneficiary of an estate or trust must take into account his distributable share of income from the estate or trust for the applicable period (whether or not actually distributed) if the trust or estate is required to distribute income to him currently. If the estate or trust is not required to distribute income currently, only the amounts actually distributed to the beneficiary during such period must be taken into account. If the taxable year of the beneficiary and the taxable year of the estate or trust are different, there shall be taken into account the beneficiary's distributable share of income, or the amount actually distributed to him as the case may be, during the months in the taxable year of the estate or trust ending within the taxable year of the beneficiary which precede the month in which the installment date falls. See subparagraph (2) of this paragraph for examples of a similar rule which is applied when a partner and the partnership of which he is a member have different taxable years.

(e) *Special rule in case of change from joint return or separate return for the preceding taxable year*—(1) *Joint return to separate return.* In determining the applicability of the exceptions described in paragraph (a) (1) and (2) of this section to an underpayment of estimated tax, a taxpayer filing a separate return who participated in the filing of a joint return for the preceding taxable year, shall be subject to the following rule. The tax—

(i) Shown on the return for the preceding taxable year, or

(ii) Based on the tax rates and personal exemptions for the taxable year but otherwise determined on the basis of the facts shown on the return for the preceding taxable year, and the law applicable to such year,

shall be that portion of the tax which bears the same ratio to the whole of the tax as the amount of tax for which the taxpayer would have been liable bears to the sum of the taxes for which the taxpayer and his spouse would have been liable had each spouse filed a separate return for the preceding taxable year.

(2) *Example.* The rule in subparagraph (1) of this paragraph may be illustrated by the following example:

Example. H and W filed a joint return for the calendar year 1955 showing taxable income of $20,000 and a tax of $5,280. Of the $20,000 taxable income, $18,000 was attributable to H, and $2,000 was attributable to W. H and W filed separate returns for 1956. The tax shown on the return for the preceding taxable year, for purposes of determining the applicability of the exception described in paragraph (a) (1) of this section to an underpayment of estimated tax by H for 1956, is determined as follows:

Taxable income of H for 1955	$18,000
Tax on $18,000 (on basis of separate return)	$6,200
Taxable income of W for 1955	$2,000
Tax on $2,000 (on basis of separate return)	$400
Aggregate tax of H and W (on basis of separate returns)	6,600
Portion of 1955 tax shown on joint return attributable to H ($\frac{6200}{6600} \times 5280$)	4,960

(3) *Separate return to joint return.* In the case of a taxpayer who participates in the filing of a joint return for the taxable year with respect to which there is an underpayment of estimated tax and who filed a separate return for the preceding taxable year—

(i) The tax shown on the return for the preceding taxable year, for purposes of determining the applicability of the exception described in paragraph (a) (1) of this section, shall be the sum of both the tax shown on the return of the taxpayer and the tax shown on the return of the taxpayer's spouse for such preceding year, and

(ii) The facts shown on both the taxpayer's return and the return of his spouse for the preceding taxable year shall be taken into account for purposes of determining the applicability of the exception described in paragraph (a) (2) of this section.

(4) *Example.* The rules described in subparagraph (3) of this paragraph may be illustrated by the following example:

Example. H and W filed separate income tax returns for the calendar year 1954 showing tax liabilities of $2,640 and $350, respectively. In 1955 they married and participated in the filing of a joint return for that year. Thus, for the purpose of determining the applicability of the exceptions described in paragraph (a) (1) and (2) of this section to an underpayment of estimated tax for the year 1955, the tax shown on the return for the preceding taxable year is $2,990 ($2,640 plus $350).

§ 1.6654–3 *Short taxable years of individuals*—(a) *In general.* The provisions of section 6654, with certain modifications relating to the application of subsection (d) thereof, which are explained in paragraph (b) of this section, are applicable in the case of a short taxable year for which a declaration is required to be filed. (See § 1.6015 (g)–1 for requirement of declaration for short taxable year.)

(b) *Rules as to application of section 6654 (d).* (1) In any case in which the taxable year for which an underpayment of estimated tax exists is a short taxable year due to a change in annual accounting periods, in determining the tax—

(i) Shown on the return for the preceding taxable year (for purposes of section 6654 (d) (1) (A)), or

(ii) Based on the personal exemptions and rates for the current taxable year but otherwise on the basis of the facts shown on the return for the preceding taxable year, and the law applicable to such year (for purposes of section 6654 (d) (1) (B)),

the tax will be reduced by multiplying it by the number of months in the short taxable year and dividing the resulting amount by 12.

(2) If the taxable year for which an underpayment of estimated tax exists is a short taxable year due to a change in

annual accounting periods, in annualizing the income for the months in the taxable year preceding an installment date, for purposes of section 6654 (d) (1) (C), the personal exemptions allowed as deductions under section 151 shall be reduced to the same extent that they are reduced under section 443 (c) in computing the tax for a short taxable year.

(3) If "the preceding taxable year" referred to in section 6654 (d) (1) (B) was a short taxable year, the tax computed on the basis of the facts shown on the return for such preceding year, for purposes of determining the applicability of the exception described in section 6654 (d) (1) (B), shall be the tax computed on the annual basis in the manner described in section 443 (b) (1) (prior to its reduction in the manner described in the last sentence thereof). If the tax rates or the taxpayer's status with respect to personal exemptions for the taxable year with respect to which the underpayment occurs differ from such rates or status applicable to the preceding taxable year, the tax determined in accordance with the preceding sentence shall be recomputed to reflect the rates and status applicable to the year with respect to which the underpayment occurs.

§ 1.6654–4 *Applicability.* Section 6654 is applicable only with respect to taxable years beginning after December 31, 1954. Section 294 (d) of the Internal Revenue Code of 1939 shall continue in force with respect to taxable years beginning before January 1, 1955.

§ 1.6655 *Statutory provisions; failure by corporation to pay estimated income tax.*

SEC. 6655. *Failure by corporation to pay estimated income tax*—(a) *Addition to the tax.* In case of any underpayment of estimated tax by a corporation, except as provided in subsection (d), there shall be added to the tax under chapter 1 for the taxable year an amount determined at the rate of 6 percent per annum upon the amount of the underpayment (determined under subsection (b)) for the period of the underpayment (determined under subsection (c)).

(b) *Amount of underpayment.* For purposes of subsection (a), the amount of the underpayment shall be the excess of—

(1) The amount of the installment which would be required to be paid if the estimated tax were equal to 70 percent of the tax shown on the return for the taxable year or, if no return was filed, 70 percent of the tax for such year, over

(2) The amount, if any, of the installment paid on or before the last date prescribed for payment.

(c) *Period of underpayment.* The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier—

(1) The 15th day of the third month following the close of the taxable year.

(2) With respect to any portion of the underpayment, the date on which such portion is paid. For purposes of this paragraph, a payment of estimated tax on the 15th day of the 12th month shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subsection (b) (1) for the 15th day of the 12th month.

(d) *Exception.* Notwithstanding the provisions of the preceding subsections, the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the lesser—

(1) The tax shown on the return of the corporation for the preceding taxable year reduced by $100,000, if a return showing a liability for tax was filed by the corporation for the preceding taxable year and such preceding year was a taxable year of 12 months.

(2) An amount equal to the tax computed at the rates applicable to the taxable year but otherwise on the basis of the facts shown on the return of the corporation for, and the law applicable to, the preceding taxable year.

(3) (A) An amount equal to 70 percent of the tax for the taxable year computed by placing on an annualized basis the taxable income:

(i) for the first 6 months or for the first 8 months of the taxable year, in the case of the installment required to be paid in the ninth month, and

(ii) for the first 9 months or for the first 11 months of the taxable year, in the case of the installment required to be paid in the twelfth month.

(B) For purposes of this paragraph, the taxable income shall be placed on an annualized basis by—

(i) Multiplying by 12 the taxable income referred to in subparagraph (A), and

(ii) Dividing the resulting amount by the number of months in the taxable year (6 or 8, or 9 or 11, as the case may be) referred to in subparagraph (A).

(e) *Definition of tax.* For purposes of subsections (b), (d) (2), and (d) (3), the term "tax" means the excess of—

(1) The tax imposed by section 11 or 1201 (a), or subchapter L of chapter 1, whichever is applicable, over

(2) The sum of—

(A) $100,000, and

(B) The credits against tax provided in part IV of subchapter A of chapter 1.

(f) *Short taxable year.* The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary or his delegate.

§ 1.6655–1 *Addition to the tax in the case of a corporation*—(a) *In general.* (1) Section 6655 imposes an addition to the tax under chapter 1 of the Code in the case of any underpayment of estimated tax by a corporation (with certain exceptions described in section 6655 (d)). This addition to the tax is in addition to any applicable criminal penalties and is imposed whether or not there was reasonable cause for the underpayment. The amount of the underpayment for any installment date is the excess of—

(i) 70 percent of the tax shown on the return for the taxable year or, if no return was filed, 70 percent of the tax for such year, multiplied by the percentage of the estimated tax for the taxable year which is required to be paid, and divided by the number of installment dates prescribed for such taxable year, over

(ii) The amount, if any, of the installment paid on or before the last day prescribed for such payment.

(2) The amount of the addition is determined at the rate of 6 percent per annum upon the underpayment of any installment of estimated tax for the period from the date such installment is required to be paid until the 15th day of the third month following the close of the taxable year, or the date such underpayment is paid, whichever is earlier. For purposes of determining the period of the underpayment (i) the date prescribed for the payment of either installment of estimated tax shall be determined without regard to any extension of time, and (ii) a payment of estimated tax on the 15th day of the last month of the taxable year, to the extent that it exceeds the amount of the installment determined under subparagraph (1) (i) of this paragraph for such date, shall be considered a payment of the previous underpayment, if any.

(3) The term "tax" as used in subparagraph (1) (i) of this paragraph means the excess of the tax imposed by section 11 or section 1201 (a), or subchapter L of chapter 1 of the Code, whichever is applicable, over the sum of $100,000 and the credits against tax provided by sections 32 and 33.

(4) For special rules relating to the determination of the amount of the underpayment in the case of a corporation whose income is included in a consolidated return, see § 1.1502–49.

(b) *Statement relating to underpayment.* If there has been an underpayment of estimated tax as of the installment date prescribed for its payment and the taxpayer believes that one or more of the exceptions described in § 1.6655–2 precludes the assertion of the addition to the tax under section 6655, it should attach to its income tax return for the taxable year a Form 2220 showing the applicability of any exception upon which the taxpayer relies.

(c) *Example.* The method prescribed in paragraph (a) of this section of computing the addition to the tax may be illustrated by the following example:

Example. A corporation using the calendar year basis reported on its declaration for 1955, estimated tax in the amount of $50,000. It made payments of $2,500 each on September 15, 1955, and December 15, 1955. On March 15, 1956, it filed its final income tax return showing a tax liability of $200,000. Since the amount of each of the two installments paid by the last date prescribed for payment thereof was less than 5 percent of 70 percent of the tax shown on the return, the addition to the tax under section 6655 (a) is applicable and is computed as follows:

(1) Tax as defined in paragraph (a) of this section ($200,000–$100,000 (no credits allowable under sections 32 and 33))	$100,000
(2) 70% of item (1)	70,000
(3) Amount of estimated tax required to be paid on each installment date (5% of $70,000)	3,500
(4) Deduct amount paid on each installment date	2,500
(5) Amount of underpayment for each installment date (item (3) minus item (4))	1,000
(6) Addition to the tax:	
First installment—period 9–15–55 to 3–15–56	30
Second installment—period 12–15–55 to 3–15–56	15
Total	45

§ 1.6655–2 *Exceptions to imposition of the addition to the tax in the case of*

corporations—(a) *In general.* The addition to the tax under section 6655 will not be imposed for any underpayment of any installment of estimated tax if, on or before the date prescribed for payment of the installment, the total amount of all payments of estimated tax made equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were the least of the following amounts—

(1) The tax shown on the return for the preceding taxable year, provided that the preceding taxable year was a year of 12 months and a return showing a liability for tax was filed for such year;

(2) An amount equal to a tax determined on the basis of the tax rates for the taxable year but otherwise on the basis of the facts shown on the return for the preceding taxable year and the law applicable to such year, in the case of a corporation required to file a return for such preceding taxable year; or

(3) An amount equal to 70 percent of the tax determined by placing on an annual basis the taxable income for either the first 6 months or the first 8 months of the taxable year (whichever results in no addition being imposed), in the case of the installment required to be paid by the 15th day of the 9th month, or for either the first 9 months or the first 11 months of the taxable year (whichever results in no addition being imposed), in the case of the installment required to be paid by the 15th day of the 12th month. The taxable income so determined shall be placed on an annual basis by—

(i) Multiplying it by 12, and

(ii) Dividing the resulting amount by the number of months in the taxable year for which the taxable income was so determined.

(4) In the case of a taxpayer whose taxable year consists of 52 or 53 weeks in accordance with section 441 (f), the rules prescribed by paragraph (b) of § 1.441–2 shall be applicable in determining, for purposes of subparagraph (1) of this paragraph, whether a taxable year was a year of 12 months and in determining, for purposes of subparagraph (3) of this paragraph, the commencement of the 6- or 8-month period or the 9- or 11-month period, whichever is applicable. For example, if a taxable year begins on December 26, 1956, taxable income for the first 6 months of such year, for purposes of subparagraph (3) of this paragraph, shall be taxable income for the period beginning on December 26, 1956, and ending on June 30, 1957, since such taxable year is deemed to commence on January 1, 1957, under section 441 (f).

(5) If the end of any accounting period employed by the taxpayer (e. g., any of either thirteen 4-week periods or four 13-week periods) does not correspond to the termination date of the applicable 6- or 8-month or 9- or 11-month period, taxable income shall be determined from the beginning of the taxable year to the close of the accounting period ending immediately before the termination date of the applicable 6- or 8-month or 9- or 11-month period and to the close of the accounting period within which such termination date falls. There shall be determined that portion of the difference between the two amounts of taxable income so determined which bears the same ratio to the total difference between such amounts as the number of days from the close of the first such accounting period to the close of such applicable 6- or 8-month or 9- or 11-month period bears to the total number of days between the termination dates of such two accounting periods. The portion of the difference between such amounts so determined shall then be added to (or subtracted from) taxable income determined to the close of the first such accounting period to determine taxable income for such applicable 6- or 8-month or 9- or 11-month period. For example, a taxpayer whose taxable year consists of 52 or 53 weeks in accordance with section 441 (f) has a taxable year beginning on December 26, 1956, and thirteen 4-week accounting periods are employed in determining taxable income. Taxable income from December 26, 1956, to the close of the 4-week accounting period ending on June 11, 1957, is $200,000, and taxable income from December 26, 1956, to the close of the 4-week accounting period ending on July 9, 1957, is $228,000. Taxable income for the 6-month period ending on June 30, 1957, is $219,000 ($200,000+(19×28,000÷23)).

(b) *Meaning of terms.* (1) For the purpose of the exceptions described in paragraph (a) of this section, the term "tax" means the excess of the tax imposed by section 11 or 1201 (a), or subchapter L of chapter 1 of the Code, whichever is applicable, over the sum of $100,000 plus the credits against the tax allowed by sections 32 and 33.

(2) The credits against the tax allowed by sections 32 and 33 are—

(i) In the case of the exception described in paragraph (a) (1) of this section, such credits shown on the return for the preceding taxable year,

(ii) In the case of the exception described in paragraph (a) (2) of this section, such credits shown on the return for the preceding taxable year, except that if the amount of any such credit would be affected by any change in rates, the credits shall be determined by reference to the rates applicable to the current taxable year, and

(iii) In the case of the exception described in paragraph (a) (3) of this section, such credits computed under the law and rates applicable to the current taxable year.

The provisions of subdivision (ii) of this subparagraph may be illustrated by the following example:

Example. Assume that during the taxable year within which the normal tax rate in section 11 changes from 30 percent to 25 percent, corporation X has an underpayment of estimated tax. One-fourth of the taxable income of corporation X for the taxable year preceding that in which such underpayment occurs was from sources within foreign country Y. The return of corporation X for such preceding year shows taxable income of $325,000 and a tax, without regard to any credits, of $163,500. The credit allowed by section 33 on account of taxes paid to foreign country Y may not exceed one-fourth of such amount, or $40,875, under section 904. The tax for the preceding year, computed by using the rates applicable to the year during which the underpayment occurs, would be reduced to $147,250 and the limitation under section 904 on the credit allowed under section 33 for taxes paid to foreign country Y would be reduced to $36,812.50, for purposes of determining the applicability of the exception described in paragraph (a) (2) of this section. Therefore, the exception described in paragraph (a) (2) of this section will be applicable if, on or before the date prescribed for such payment, the total amount paid by corporation X equals or exceeds the amount which would have been required to be paid by such date if the estimated tax were $10,437.50 ($147,250 less ($100,000÷$36,812.50)).

(3) For the purpose of the exceptions described in paragraph (a) (1) and (2) of this section, the term "return for the preceding taxable year" means the income tax return for such year which is required by section 6012 (a) (2).

(c) *Examples.* The application of the exceptions to the imposition of the addition to tax may be illustrated by examples employing the following statement of facts:

STATEMENT OF FACTS

X, a corporation with a taxable year ending on March 31, filed a declaration on December 15, 1955, showing an estimated tax of $35,500 for its taxable year ending March 31, 1956. The first installment of $1,775 was paid with the filing of the declaration and the second installment in the same amount was paid on March 15, 1956. X reported a tax liability of $154,300 on its return due June 15, 1956. There was an underpayment of estimated tax in the amount of $125.50 on each installment date determined as follows:

(1) Tax as defined in paragraph (b) of this section ($154,300–$100,000)	$54,300.00
(2) 70% of item (1)	38,010.00
(3) 5% of item (2)	1,900.50
(4) Deduct amount paid on each installment date	1,775.00
(5) Amount of underpayment at each installment date (item (3) minus item (4))	125.50

The application of each exception described in paragraph (a) of this section is determined as follows:

(1) Assume X reported a liability of $163,500 on its return for the taxable year ending March 31, 1955. If the estimated tax were $163,500 reduced by $100,000, or $63,500, the amount which would have been required to be paid on or before each installment date would be 5 percent of $63,500, or $3,175. Since this amount exceeds the amount actually paid on each installment date ($1,775), the exception described in paragraph (a) (1) of this section does not apply.

(2) Since the corporation tax rates under section 11 are the same for the taxable years ending on March 31, 1955, and March 31, 1956, the amount of tax determined under paragraph (a) (2) of this section and the amount required to be paid on each installment date to qualify under the exception described therein are the same as the corresponding amounts determined under paragraph (a) (1) of this section. Accordingly, the exception described in paragraph (a) (2) of this section does not apply.

(3) X determined that its taxable income for the first 6 months and the first 8 months of the taxable year ended March 31, 1956, was $180,000 and $200,000, respectively, and that its taxable income for the first 9 months and the first 11 months was $264,000 and $319,000, respectively. The income for each period is annualized as follows:

$180,000 \times 12 \div 6 = \$360,000$
$200,000 \times 12 \div 8 = \$300,000$
$264,000 \times 12 \div 9 = \$352,000$
$319,000 \times 12 \div 11 = \$348,000$

To determine whether the installment payment made on December 15, 1955, equals or exceeds the amount which would have been required to be paid if the estimated tax were equal to 70 percent of the tax computed on the annualized income for either the 6- or 8-month period, the following computation is necessary:

	6 months	8 months
(1) Annualized income	$360,000.00	$300,000.00
(2) Tax on item (1) reduced by $100,000	63,700.00	50,500.00
(3) 70% of item (2)	44,590.00	35,350.00
(4) 5% of item (3)	2,229.50	1,767.50

Since the amount actually paid on December 15, 1955, $1,775, exceeds the amount which would have been required to be paid on such date ($1,767.50) if the estimated tax were 70 percent of the tax determined by placing on an annualized basis the taxable income for the first 8 months of the taxable year, the exception described in paragraph (a) (3) of this section applies and no addition to tax will be imposed for the underpayment of the installment paid on December 15, 1955. A similar computation must be made with respect to the annualized income for the 9- and 11-month periods to determine whether or not the addition to the tax will be imposed with respect to the underpayment of the March 15, 1956, installment. The computation follows:

	9 months	11 months
(1) Annualized income	$352,000.00	$348,000.00
(2) Tax on item (1) reduced by $100,000	59,940.00	58,060.00
(3) 70% of item (2)	41,958.00	40,642.00
(4) 5% of item (3)	2,097.90	2,032.10

Since the amount of the installment paid on March 15, 1956, $1,775, does not equal or exceed the amount which would have been required to be paid on such date if the estimated tax were 70 percent of the tax determined by placing on an annual basis the taxable income for either the 9- or 11-month period, the addition to the tax with respect to the underpayment of the March 15, 1956, installment must be imposed.

(d) *Determination of taxable income for portion of taxable year.* In determining the applicability of the exception described in paragraph (a) (3) of this section, there must be an accurate determination of the amount of income and deductions for the appropriate period, that is, for the first six, eight, nine, or eleven months of the taxable year. See paragraph (d) (1) of § 1.6654–2 for a description of a similar requirement with respect to individuals.

§ 1.6655–3 *Short taxable years in the case of corporations*—(a) *In general.* The provisions of section 6655, with certain modifications relating to the application of subsection (d) thereof, which are explained in paragraph (b) of this section, are applicable in the case of a short taxable year for which a declaration is required to be filed. (See § 1.6016–4 for requirement of declaration for short taxable year.)

(b) *Rules as to application of section 6655 (d).* In any case in which the taxable year for which an underpayment of estimated tax exists is a short taxable year due to a change in annual accounting periods, in determining the tax—

(1) Shown on the return for the preceding taxable year (for purposes of section 6655 (d) (1)); or

(2) Based on the current year's rates but otherwise on the basis of the facts shown on the return for the preceding taxable year and the law applicable to such year (for purposes of section 6655 (d) (2)); or

(3) Computed by placing taxable income for a portion of the current year on an annual basis under section 6655 (d) (3);

the tax will be reduced by multiplying it by the number of months in the short taxable year and dividing the resulting amount by 12. The application of the exception provided in section 6655 (d) (3) shall be determined as if the estimated tax were 70 percent of the tax so reduced.

(c) *Preceding taxable year a short taxable year.* If "the preceding taxable year" referred to in section 6655 (d) (2) was a short taxable year, the tax computed on the basis of the facts shown on the return for such preceding year, for purposes of determining the applicability of the exception described in section 6655 (d) (2), shall be the tax computed on the annual basis in the manner described in section 443 (b) (1) (prior to its reduction in the manner described in the last sentence thereof). If the tax rates for the taxable year with respect to which the underpayment occurs differ from the rates applicable to the preceding taxable year, the tax determined in accordance with the preceding sentence shall be recomputed using the rates applicable to the year with respect to which the underpayment occurs.

[F. R. Doc. 57–9422; Filed, Nov. 13, 1957; 8:54 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART C—WAR ORPHANS' EDUCATIONAL ASSISTANCE ACT OF 1956

EDUCATIONAL AND VOCATIONAL COUNSELING

In § 21.3300, paragraph (a) is amended to read as follows:

§ 21.3300 *Educational and vocational counseling.* (a) Educational and vocational counseling will be required and provided to assist the parent or guardian and the eligible person in selecting a suitable educational, professional, or vocational objective and in developing an appropriate program of education. Counseling provided eligible persons under this law will include the application, as appropriate in individual cases, of comprehensive vocational counseling techniques and procedures which have been established for counseling veterans. This will include counseling with regard to related personal problems which are likely to interfere with the selection of a suitable objective or successful pursuit of a program of education.

(Sec. 501, 70 Stat. 419; 38 U. S. C. 1033)

This regulation is effective November 14, 1957.

[SEAL] H. V. HIGLEY,
Administrator of Veterans Affairs.

[F. R. Doc. 57–9409; Filed, Nov. 13, 1957; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 1546]

[Oregon 04043, 04617]

OREGON

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF THE FOREST SERVICE AS ADMINISTRATIVE SITES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereinafter designated are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites:

[Oregon 04043]

WILLAMETTE MERIDIAN

SIUSLAW NATIONAL FOREST

CUMMINS PEAK ADMINISTRATIVE SITE

T. 15 S., R. 11 W.,
Sec. 22, E½SW¼ and W½SE¼;
Sec. 27, W½NE¼ and E½NW¼.
The areas described aggregate 320 acres.

KLICKITAT MOUNTAIN ADMINISTRATIVE SITE

T. 15 S., R. 10 W.,
Sec. 29, S½N½ and N½S½.
The areas described aggregate 320 acres.

TENMILE CREEK ADMINISTRATIVE SITE

T. 15 S., R. 11 W.,
Sec. 35, N½SE¼, E½SW¼SE¼, and SE¼SE¼;
Sec. 36, lots 1, 2, 3, and SW¼.
The areas described aggregate 383.32 acres.

WEST FORK INDIAN CREEK ADMINISTRATIVE SITE

T. 16 S., R. 10 W.,
Sec. 22, E½E½.
The area described contains 160 acres.

ARNOLD BEAR CREEK ADMINISTRATIVE SITE

T. 14 S., R. 11 W.,
Sec. 11, E½.
The area described contains 320 acres.

BUCK CREEK ADMINISTRATIVE SITE

T. 15 S., R. 9 W.,
Sec. 27, SE¼.
The area described contains 160 acres.

CAPE CREEK ADMINISTRATIVE SITE

T. 16 S., R. 11 W.,
Sec. 31, NE¼.
The area described contains 160 acres.

KLICKITAT ADMINISTRATIVE SITE

T. 13 S., R. 10 W.,
Sec. 13, lots 1, 2, 3, 4, and W½E½.
The areas described aggregate 319.06 acres.

ECKMAN CREEK ADMINISTRATIVE SITE

T. 14 S., R. 11 W.,
Sec. 5, lots 7 and 15.
The areas described aggregate 81.24 acres.

INDIAN CREEK ADMINISTRATIVE SITE

T. 17 S., R. 9 W.,
Sec. 17, N½.
The area described contains 320 acres.

HARLAN ADMINISTRATIVE SITE

T. 12 S., R. 8 W.,
Sec. 5, NE¼SW¼SE¼, E½E½NW¼SW¼SE¼, S½SW¼SE¼, and SE¼SE¼.
The areas described aggregate 72.5 acres.

ECKMAN CREEK ADMINISTRATIVE SITE

T. 13 S., R. 11 W.,
Sec. 33, E½SW¼.
The area described contains 80 acres.

GRASS CREEK ADMINISTRATIVE SITE

T. 13 S., R. 10 W.,
Sec. 36, lot 7, S½SW¼.
The areas described aggregate 98.07 acres.

BEAR CREEK ADMINISTRATIVE SITE

T. 14 S., R. 9 W.,
Sec. 3, NW¼.
The area described contains 160 acres.

BIG CREEK-BLODGETT ADMINISTRATIVE SITE

T. 14 S., R. 12 W.,
Sec. 12, N½.
The area described contains 320 acres.

YACHATS ADMINISTRATIVE SITE

T. 14 S., R. 11 W.,
Sec. 30, lots 3, 4, E½SW¼, and SE¼.
The areas described aggregate 320.69 acres.

NORTH FORK YACHATS ADMINISTRATIVE SITE

T. 14 S., R. 12 W.,
Sec. 25, S½.
The area described contains 320 acres.

ROCK CREEK CAMP ADMINISTRATIVE SITE

T. 16 S., R. 12 W.,
Sec. 10, E½.
The area described contains 320 acres.

BUCK CREEK ADMINISTRATIVE SITE

T. 15 S., R. 10 W.,
Sec. 15, N½NW¼ and N½SW¼NW¼.
The areas described aggregate 100 acres.

BAUER CREEK ADMINISTRATIVE SITE

T. 13 S., R. 9 W.,
Sec. 31, lots 11, 12, and 14.
The areas described aggregate 113.58 acres.

ROGUE RIVER NATIONAL FOREST

DIAMOND LAKE ADMINISTRATIVE SITE

T. 28 S., R. 5 E., unsurveyed,
Sec. 28, E½SE¼.
The area described contains 80 acres.

[Oregon 04617]

WILLAMETTE MERIDIAN

ROGUE RIVER NATIONAL FOREST

DIAMOND LAKE ADMINISTRATIVE SITE

T. 28 S., R. 5 E., unsurveyed,
Sec. 32, N½NE¼ and N½S½NE¼.
The areas described aggregate 120 acres.

The public lands withdrawn by this order aggregate a total of 4,648.46 acres.

This order shall take precedence over, but not otherwise affect, the existing reservation of the lands for national forest purposes.

ROGER C. ERNST,
Assistant Secretary of the Interior.

NOVEMBER 7, 1957.

[F. R. Doc. 57-9381; Filed, Nov. 13, 1957; 8:46 a. m.]

[Public Land Order 1547]

[New Mexico 017802]

NEW MEXICO

WITHDRAWING LANDS FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH MCGREGOR RANGE (FORT BLISS); CORRECTING PUBLIC LAND ORDER NO. 1470 OF AUGUST 21, 1957

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the provisions of existing withdrawals, and to the stipulations contained in Public Land Order No. 1470 of August 21, 1957, the following-described lands in New Mexico inadvertently omitted from that order, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved for use of the Department of the Army as part of the missile testing range established by Public Land Order No. 1470:

NEW MEXICO PRINCIPAL MERIDIAN

T. 26 S., R. 6 E.,
Sec. 26, S½SE¼;
Sec. 35, N½NE¼.
T. 19 S., R. 10 E.,
Sec. 1, S½;
Sec. 8, SW¼SW¼.
T. 20 S., R. 12 E.,
Sec. 7, NW¼NW¼.
T. 22 S., R. 13 E.,
Sec. 31, Lots 1, 2, 3, E½NW¼, NE¼SW¼, NE¼, and N½SE¼.

The areas described aggregate 906.76 acres.

2. In Public Land Order No. 1470 of August 21, 1957, appearing as F. R. Doc. 57-7002 of the issue for August 29, 1957, at Pages 6968 to 6972, the following corrections are made:

(a) In T. 22 S., R. 8 E. (Page 6968, 3d Column) change "SE¼SE¼" after sec. 26 to read "SE¼NE¼".

(b) In T. 23 S., R. 10 E. (Page 6969, 1st Column) change "secs 17 and 19" to read "secs. 17 and 18".

(c) In T. 23 S., R. 10 E. (Page 6969, 1st Column) change "SW½NE¼" in sec. 19 to read "SW¼NE¼".

(d) In T. 26 S., R. 7 E. (Page 6969, 3d Column) change "SE½" in sec. 3 to "SE¼".

(e) In T. 23 S., R. 11 E. (Page 6969, 1st Column) change "sec. 32" to read "sec. 35".

(f) In T. 26 S., R. 9 E. (Page 6969, 3d Column) after sec. 1, change "SE¼SE¼" to read SW¼SE¼".

(g) In T. 25 S., R. 8 E. (Page 6970, 3d Column) after sec. 6, change "S½NE¼SE¼" to read "S½NE¼ and SE¼".

ROGER C. ERNST,
Assistant Secretary of the Interior.

NOVEMBER 7, 1957.

[F. R. Doc. 57-9382; Filed, Nov. 13, 1957; 8:46 a. m.]

[Public Land Order 1548]

[Fairbanks 010504]

ALASKA

CORRECTING PUBLIC LAND ORDER NO. 1488 OF SEPTEMBER 9, 1957, WHICH WITHDREW LANDS FOR RECREATIONAL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

In Federal Register Document 57-7530, appearing as Public Land Order No. 1488 at Pages 7309-7310 of the issue for Friday, September 13, 1957, the land descriptions of the Retreat and Tolovana Campgrounds, so far as such descriptions refer to longitude and latitude of beginning points of each, are corrected to read as follows:

2. RETREAT CAMPGROUND

Beginning at a point on the centerline of the Steese Highway from which Milepost 36 bears westerly 2.50 chains, latitude 65°10'49" N., longitude 147°18' W., thence,

* * * * *

5. TOLOVANA CAMPGROUND

Beginning at a point on the centerline of the Elliott Highway at the south end of the bridge crossing the Tolovana River, latitude 65°28' N., longitude 148°16' W., thence,

ROGER C. ERNST,
Assistant Secretary of the Interior.

NOVEMBER 7, 1957.

[F. R. Doc. 57-9383; Filed, Nov. 13, 1957; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[Gen. Order 20, Revised, Amdt. 2]

PART 272—POLICY AND PROCEDURE REGARDING CONDUCTING OF SUBSIDY CONDITION SURVEYS AND ACCOMPLISHMENT OF SUBSIDIZED VESSEL MAINTENANCE AND REPAIRS

SUBSIDY CONDITION SURVEY REQUIREMENTS AND INSTRUCTIONS

Sections 272.2 and 272.3 are hereby amended to read as follows:

§ 272.2 *Subsidy condition survey requirements.* (a) Condition surveys of vessels approved for subsidized operation shall be conducted in the following instances:

(1) At the commencement of the first subsidized voyage of each vessel placed

in subsidized operation, except newly constructed vessels which enter subsidized service immediately upon completion of building and for which there is a survey report made by the Trial and Guarantee Survey Boards of the Maritime Administration or any other condition report satisfactory to the United States.

(2) At the commencement of the first voyage of each vessel after resumption of subsidized operation following temporary withdrawal from subsidized operation.

(3) At the commencement of the first voyage of each vessel following the effective date of the establishment of a maintenance (upkeep) and repair subsidy rate, if such subsidy rate was not established as of subparagraph (1) of this paragraph.

(4) Upon the discontinuance of a maintenance (upkeep) and repair subsidy rate.

(5) Upon the withdrawal of each vessel from subsidized service, either temporarily or permanently. A vessel shall not be considered as temporarily withdrawn if the vessel performs unsubsidized voyages in a subsidized trade route of the same operator.

(6) Upon the termination of the last voyage of each vessel within each recapture period or at the end of such recapture period with respect to subsidized vessels in idle status at that time.

(7) Upon the termination of the last voyage of each vessel under the operating-differential subsidy contract or at the end of the contract period with respect to subsidized vessels in idle status at that time, unless such contract is immediately superseded by a new operating-differential subsidy contract with the same Operator.

(b) A vessel commencing subsidized operation outside the continental limits of the United States shall be surveyed immediately at her first port of call in the United States, and it shall be incumbent upon the Operator to make arrangements with the appropriate Ship Repair and Maintenance Field Office for the conducting of such survey.

(c) Condition surveys of subsidized vessels which may be required in instances other than those specified in paragraph (a) of this section will be conducted by the Ship Repair and Maintenance Field Offices only upon receipt of instructions from the Division's Departmental Headquarters.

§ 272.3 *Subsidy condition survey instructions.* The Division of Ship Repair and Maintenance will endeavor to furnish survey instructions to the Field Offices whenever possible; however, the Ship Repair and Maintenance Field Offices are authorized when requested by subsidized operators, to conduct condition surveys specified in § 272.2 and to the extent outlined in the following paragraphs (a) and (b) of this section. At the time a subsidy condition survey is to be conducted, the operator is to be invited to arrange for attendance of his representative; however, such representative is not required to be present.

(a) Condition surveys conducted in conformance with the requirements of § 272.2 (a) (1), (2) and (3) will be reported on Form MA–58 and shall be prepared in sufficient detail to readily reveal a comprehensive picture of the conditions noted and shall contain indication of the "Record", "Deferred", "Unsighted", and "Builder's and/or repair contractor's responsibility" items. Forms MA–55 Conditions Report—Turbine and Gears, MA–56 Tooth Contact Report, MA–57 Drydock Report, and MA–59 Diesel Engine Report are to be used as applicable.

(1) *Record items.* This classification shall be indicated in the survey beside all items revealing conditions which, in conformance with good commercial practice do not require immediate repairs.

(2) *Deferred items.* This classification shall be indicated in the survey beside all items which, in accordance with good commercial practice, require repairs, but which are postponed, or items which are classification and/or Coast Guard requirements carrying a grace period for performance thereof.

(3) *Unsighted items.* This classification shall be indicated in the survey beside all items not opened up for internal inspection and those items of the vessel's underwater body which could not be inspected due to the vessel's being afloat.

(4) *Builder's and/or repair contractor's responsibility.* This classification shall indicate those items which have been determined to be the builder's or repair contractor's responsibility.

(b) The condition surveys prescribed in § 272.2 (a) (4), (5), (6), and (7) shall be accomplished as follows:

(1) The subsidized Operator shall prepare and furnish the appropriate Ship Repair and Maintenance Field Office detailed repair specifications covering all work outstanding on the vessel after completion of repairs for the voyage immediately preceding the survey requirement. The Ship Repair and Maintenance Field Office shall conduct an inspection of the vessel prior to its next sailing for the purpose of assuring that the Operator's specifications cover outstanding defects which require attention and which are attributable to subsidized operation. These specifications, together with the findings of the Ship Repair and Maintenance Field Office regarding the contents thereof, shall constitute the subsidy condition survey report required by the Operating-Differential Subsidy Contract.

(2) The Operator shall furnish the Ship Repair and Maintenance Field Office with sufficient copies of the specifications, prepared pursuant to subparagraph (1) of this paragraph to meet the latter's needs.

(3) In all cases in § 272.2 (a) (4), (5), (6), and (7), except temporary withdrawal from subsidized service and the termination of the last voyage within each recapture period, the work contained in these specifications and verified by the Ship Repair and Maintenance Field Office as defects attributable to subsidized operation, will not be considered for subsidy participation unless it is accomplished not later than the next drydocking period (periodical or otherwise) and providing ownership is retained by the particular operator.

(4) No work except the correction of such defects as are detailed in the specifications will be considered for subsidy participation.

(c) The Operator shall make arrangements with the appropriate Ship Repair and Maintenance Field Office for the conducting of surveys required herein. The Operator shall assist the representative of the Ship Repair and Maintenance Field Office, and shall permit access to all part of the vessel, its log books, and official records.

The foregoing shall be effective as of the date of publication in the FEDERAL REGISTER.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: November 7, 1957.

By order of the Federal Maritime Board/Martime Administrator.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-9421; Filed, Nov. 13, 1957; 8:54 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 14–5]

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

MISCELLANEOUS AMENDMENTS

In the matter of Amendment of Part 14 of the Commission's rules for the purpose of making certain editorial changes therein.

The Commission having under consideration the desirability of making certain editorial changes in Part 14 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature for the purpose of deleting obsolete provisions in Part 14, effecting conformity between Part 14 provisions and related provisions in Parts 7 and 8, and making other minor changes, and, therefore compliance with the public notice and rule making procedures prescribed by section 4 (a) and (b) of the Administrative Procedure Act is unnecessary, and for the same reason, compliance with the effective date provisions of section 4 (c) of the Administrative Procedure Act is not required; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and other Information;

It is ordered, This 7th day of November 1957, that effective December 16, 1957, Part 14 of the Commission's rules is amended as set forth below.

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

as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: November 8, 1957.

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

A. Part 14 is amended as follows:

1. Section 14.105 (a) is amended by deleting the last sentence thereof. As amended, § 14.105 (a) reads as follows:

(a) The requirements of § 7.106 (a), (b), (c), (d), and (e) (2) of this chapter, applicable to coast stations and providing for certain operating controls to expedite communication and conserve the use of frequencies, shall apply to Alaska-public fixed stations and coast stations subject to this part.

2. Section 14.105 (b) is amended by deleting the last sentence thereof. As amended, § 14.105 (b) reads as follows:

(b) The requirements of § 7.106 (e) (1), (f), (g) and (h) of this chapter concerning certain operating controls shall apply to coast stations subject to this part.

3. Section 14.152 (b) is amended to read as follows:

(b) For stations authorized by this part to use telegraphy on a frequency or frequencies within the respective frequency ranges designated in this paragraph the authorized classes of emission for telegraphy on such frequencies shall be as follows:

Class of station	Frequency range	Class of emission
Fixed	From 50 to 200 kc and on 1666 kc	A-1, and for brief testing A-0.
Fixed	From 1605 to 1800 kc (except 1666 kc) From 2000 to 2035 kc From 2107 to 3400 kc From 5000 to 9000 kc	A-1, and for brief testing A-0.
Coast	From 415 to 490 kc	A-1, and for brief testing A-0. A-2, A-2a, A-2b for brief testing and distress, urgency and safety signals, or any communication preceded by one of these signals.
Coast	From 490 to 515 kc	A-1, A-2, A-2a, A-2b, and for brief testing A-0.
Ship	From 405 to 515 kc	A-1, A-2, A-2a, A-2b, and for brief testing A-0.
Coast and ship	From 1605 to 1800 kc From 2000 to 2035 kc From 2107 to 3400 kc From 5000 to 9000 kc	A-1, and for brief testing A-0.
Coast and ship	From 2035 to 2107 kc	A-1 and for brief testing A-0.
Coast and ship	On 156.4, 156.5, 156.7 and 156.9 Mc	F-1, F-2, and for brief testing F-0.

4. Section 14.154 is amended to read as follows:

§ 14.154 *Modulation limiter for fixed and coast stations.* Except for transmitters used solely for developmental stations, each radiotelephone transmitter licensed for use and operation on a frequency or frequencies below 30 Mc in a fixed or coast station subject to this part shall always be used with a device that will automatically prevent modulation in excess of 100 percent. With respect to operation on frequencies below 30 Mc only, this section shall apply to coast stations located in the Alaska area in lieu of § 7.137 (a) of this chapter.

NOTE: For a similar requirement applicable to ship stations, reference is made to § 8.137 (a) of this chapter.

5. In § 14.204 (a), delete the text of subparagraph (2) and insert the following therefor:

(2) [Reserved.]

6. In § 14.204 (a), delete the text of subparagraph (4) and insert the following therefor:

(4) [Reserved.]

7. In § 14.205, delete paragraph (l) in its entirety. After such deletion, the note at the end of § 14.205 will follow paragraph (k).

8. Section 14.206 (b) is amended to read as follows:

(b) When transmitting to any ACS fixed station on any frequency above 2000 kc authorized in paragraph (a) of this section, each Alaska-public fixed station shall use any class of emission permissible under applicable provisions of § 14.152 which is designated by the ACS; when such designation is not made by the ACS, the station licensee shall select the class of emission to be used in accordance with the provisions of § 14.152. In so far as is practicable when transmitting by means of telegraphy on any of these frequencies above 2000 kc, and subject to designation by the ACS as herein provided, class A1 emission only shall be used.

9. The text of § 14.208 is deleted in its entirety and the following is substituted therefor:

§ 14.208 [Reserved.]

10. Section 14.259 (a) (2) is amended to read:

(2) For ship-to-ship communication (for business, operational and safety purposes) by telegraphy and/or telephony:

(i) Between ship stations on board vessels of less than 500 gross tons—1622 only; and

(ii) Between ship stations on board vessels of 500 gross tons or more—2382 only.

11. The note following § 14.260 (a) is amended to read as follows:

NOTE: The ACS coast station transmitting frequency and the hours of service of each ACS coast station at the respective locations in the Alaska area at which this service is available may be obtained upon request made to the ACS or to the Commission's Engineer in Charge at Anchorage, Alaska, or Seattle, Washington. These frequencies are listed for the information of ship station licensees.

12. Section 14.260 (b) is amended to read as follows:

(b) (1) The provisions of this paragraph shall apply to public coast stations in the Alaska area in lieu of the provisions of §§ 7.307 and 7.308 of this chapter, and to ship stations when communicating with public coast stations in the Alaska area in lieu of § 8.356 of this chapter.

(2) Each of the following frequencies in megacycles is authorized for use as an assigned frequency, in accordance with Subpart E of this part, for the exchange of public correspondence by means of telephony between public coast stations and ship stations, in all zones of the Alaska area, as designated herewith:

For coast station transmission: 161.9; for ship station transmission: 157.3. These two frequencies comprise one radio telephone circuit.

For coast station transmission: 162.0; for ship station transmission: 157.4. These two frequencies comprise one radio telephone circuit.

When alternate transmission by the coast station and the ship station on the same assigned frequency is required, either 157.3 Mc or 157.4 Mc shall be used by each class of station.

(3) At locations where one public ship-shore radio-telephone circuit in this frequency-band is sufficient to provide satisfactory public telephone service, the frequencies 161.9 Mc and 157.3 Mc for a two-frequency circuit or the frequency 157.3 Mc for a single-frequency circuit shall be used.

(4) The assigned frequency 162.0 Mc or 157.4 Mc normally may be authorized for use by a public coast station only when a satisfactory showing is made by the applicant for such authorization that such station under its outstanding license is utilizing the frequency 161.9 Mc or 157.3 Mc at maximum capacity to provide public ship-shore telephone service and there is a need by that station for an additional circuit to adequately serve users or prospective users of the station's service.

13. Delete § 14.263 in its entirety and substitute the following therefor:

§ 14.263 [Reserved.]

14. In § 14.264, delete paragraph (o) in its entirety; after such deletion, the note at the end of § 14.264 will follow paragraph (n).

15. Delete § 14.266 in its entirety and substitute the following therefor:

§ 14.266 [Reserved.]

[F. R. Doc. 57-9412; Filed, Nov. 13, 1957; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR 192]

OIL AND GAS LEASES

NOTICE OF HEARING ON PROPOSED RULE MAKING

On October 11, 1957 there was published in the FEDERAL REGISTER (Vol. 22, Number 198, Pages 8088–89) as a "Proposed Rule Making" a proposed amendment of 43 CFR 192.9 relating to the leasing of wildlife refuge lands, game range lands, coordination lands and Alaska wildlife areas for oil and gas purposes.

That notice afforded all interested parties 30 days from date of publication within which to submit, in triplicate, to the Director, Bureau of Land Management, written comments, suggestions or objections with respect to the proposed amendment.

In view of the widespread interest shown by the general public in the proposed amendment and in view of requests received for an extension of time within which to submit written comments, suggestions or objections with respect to the proposed amendment and for an opportunity to be heard orally in connection therewith it appears appropriate, in the circumstances, to grant the requests for such hearing.

Therefore, notice, is hereby given that a hearing on the proposed amendment will be held on the 9th day of December 1957 at 9 o'clock in the forenoon of said day in the auditorium of the Department of the Interior, 18th & C Streets, NW., Washington 25, D. C., for the purpose of considering the proposed amendment of the regulation.

All comments and objections received heretofore or hereafter prior to the date set for the hearing will be considered. All interested parties may submit at such hearing such other further and additional comments on the proposed amendment as they may desire.

ROGER C. ERNST,
Assistant Secretary of the Interior.

NOVEMBER 8, 1957.

[F. R. Doc. 57–9420; Filed, Nov. 13, 1957; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42]

[Draft Release No. 57–25]

PILOT RECENT EXPERIENCE REQUIREMENTS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board amendments to Parts 40, 41, and 42 of the Civil Air Regulations as set forth below.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by Jan. 10, 1958. Copies of such communications will be available after Jan. 14, 1958, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Currently effective Civil Air Regulations covering the operations of scheduled domestic, international, and supplemental air carriers require that pilots, within the 90 days preceding their serving in air transportation, shall have made at least 3 take-offs and landings in aircraft of the same type in which they are to serve. The basic provisions of this requirement have been in the regulations for over 15 years.

During the period of airline growth in the 1930's and until several years after World War II, most air carriers utilized only 2 or 3 different types of aircraft. Since 1948, however, many new types have been acquired by the air carriers and some of the largest domestic scheduled carriers operate as many as 6 types of aircraft. The complexity of the cockpit instrumentation and systems of these aircraft, with which the pilot must be familiar, has also increased considerably during this period.

The Civil Aeronautics Administration has informed the Board that this diversity of aircraft types which captains and, in particular, reserve captains, are currently authorized to operate, makes it difficult for such pilots to maintain the requisite degree of proficiency in each of the various types of aircraft concerned. Accordingly, the CAA has recommended to the Board that § 40.301 *Pilot recent experience*, be amended in order to insure that pilots in command will be able to maintain the requisite degree of proficiency. The CAA is of the opinion that a satisfactory means of achieving this objective would be to require that within the 60 days preceding the date on which he is to serve in a particular aircraft, a pilot in command shall acquire 20 hours of flight time, including one take-off and landing, or shall pass a flight check, in such aircraft.

The Bureau agrees that the increasing complexity of air carrier aircraft requires that the pilot recent experience provisions be reexamined and proposals leading to changes in these requirements should be considered.

In order to make the time cycle of the proposed recent experience requirements for other pilots consistent with those for pilots in command, it is proposed that other pilots be required to make only 2 take-offs and landings within the preceding 60 days, rather than 3 take-offs and landings within the preceding 90 days as presently required.

The Bureau is of the opinion that in this particular area of air carrier regulations there should be no fundamental distinction between the rules applicable to the various classifications of operations; i. e., domestic, international, and supplemental. Therefore, the Bureau also proposes to recommend to the Board that Parts 41 and 42 of the Civil Air Regulations be amended to reflect the same requirements that are proposed herein for Part 40.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 40 of the Civil Air Regulations be amended:

By amending § 40.301 to read as follows:

§ 40.301 *Pilot recent experience.* (a) No air carrier shall schedule a pilot to serve as a pilot in command unless within the preceding 60 days he has flown at least 20 hours as pilot in the airplane of the particular type on which he is to serve and has made at least one take-off and one landing in such type: *Provided,* That in lieu of the above, a pilot may act as pilot in command in a particular type airplane if, within the preceding 60 days, he has satisfactorily passed a check in that type airplane as required by § 40.302 (a) or (b) (2).

(b) No air carrier shall schedule a pilot to serve as pilot other than pilot in command, unless he complies with paragraph (a) of this section or, unless within the preceding 60 days he has made at least 2 take-offs and 2 landings as pilot in the airplane of the particular type on which he is to serve.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., October 31, 1957.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director.

[F. R. Doc. 57–9423; Filed, Nov. 13, 1957; 8:54 a. m.]

NOTICES

CIVIL SERVICE COMMISSION

MINIMUM RATES OF PAY

NOTICE OF INCREASE

Set forth below is a notice of increase in minimum rates of pay for certain positions:

CERTAIN POSITIONS IN LANDSCAPE ARCHITECTURE IN CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS (EXCEPT PUERTO RICO), AND IN FOREIGN COUNTRIES

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133) pursuant to 5 CFR 25.103, 25.105, the Commission has increased the rate of pay for all landscape architect positions at grades GS–5, GS–7, GS–9, GS–10, and GS–11 in Series GS–1041–0 as follows:

GS–5 to $4480 (the top step of the grade);
GS–7 to $5335 (the top step of the grade);
GS–9 to $6115 (the sixth step of the grade);
GS–10 to $6590 (the sixth step of the grade;
GS–11 to $7035 (the fourth step of the grade).

These increases will be effective on the first day of the first pay period which begins after November 4, 1957. The increased rates apply throughout the contintental United States, its territories and possessions (except Puerto Rico), and in foreign countries.

CERTAIN POSITIONS IN RANGE MANAGEMENT AND CONSERVATION AND SOIL SCIENCE THROUGHOUT THE UNITED STATES, ALASKA, AND HAWAII

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for all GS–5 and GS–7 classes of positions in Series GS–454–0 (Range Management and Conservation Series) and Series GS–470–0 (Soil Science Series). The new rate for GS–5 has been set at $4210 (the fifth step of the grade) and for GS–7 at $4930 (the fourth step of the grade). These increases will be effective on the first day of the first pay period which begins after November 4, 1957, and apply to these classes of positions throughout the United States, Alaska, and Hawaii.

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

[F. R. Doc. 57-9410; Filed, Nov. 13, 1957; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho 07235, 07475, 06796, 08060, 06434, 06980, 06852]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

NOVEMBER 4, 1957.

In exchanges of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269); as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g) the following described lands have been reconveyed to the United States:

Parcel No.	Land description	Location
	BOISE MERIDIAN, IDAHO	
1	T. 6 S., R. 15 E., Sec. 12, SE¼SW¼.	Gooding County—About 6 miles southeast of Gooding, Idaho.
2	T. 6 S., R. 18 E., Sec. 31, Lot 3, W½NE¼, E½NW¼, NE¼SW¼, NW¼SE¼. T. 3 S., R. 20 E., Sec. 11, SW¼NE¼, E½SW¼, NW¼SE¼. T. 4 S., R. 20 E., Sec. 9, S½SW¼. T. 7 S., R. 22 E., Sec. 13, SE¼NE¼, S½SW¼. T. 6 S., R. 23 E., Sec. 19, W½SE¼; Sec. 29, SW¼NW¼, S½; Sec. 30, Lots 1, 2, 3, 4, NE¼, E½NW¼, E½SW¼, NW¼SE¼, S½SE¼.	Lincoln County—West of Shoshone, Idaho.
3	T. 9 N., R. 33 E., Sec. 13, NE¼, NW¼SW¼, S½SW¼.	Clark County—6 to 12 miles northeast of Monteview, Idaho.
4	T. 9 N., R. 33 E., Sec. 11, E½SE¼; Sec. 14, E½SE¼; Sec. 23, E½E½. T. 10 N., R. 34 E., Sec. 26, E½; Sec. 31, S½SE¼. T. 10 N., R. 35 E., Sec. 13, S½SW¼, NE¼SE¼; Sec. 24, NW¼, N½SW¼; Sec. 25, W½E½, E½W½, W½SW¼; Sec. 26, E½SE¼; Sec. 28, S½S½. T. 10 N., R. 36 E., Sec. 26, S½NW¼; Sec. 27, SE¼NE¼, E½SE¼.	Fremont and Clark Counties in the general area of Dubois, Idaho.
5	T. 6 S., R. 34 E., Sec. 20, E½SE¼.	Bannock County—1½ miles west of Pocatello, Idaho.
6	T. 10 N., R. 4 W., Sec. 1, Lot 2, NE¼SW¼.	Washington County—West of Weiser, Idaho.
7	T. 5 N., R. 4 W., Sec. 2, Lots 2, 3, S½NE¼. T. 6 N., R. 5 W., Sec. 1, S½NW¼, N½SW¼; Sec. 2, SW¼NE¼, SE¼NW¼, W½SE¼; Sec. 14, E½SW¼; Sec. 15, SE¼; Sec. 22, N½NE¼, SE¼NE¼; Sec. 23, NW¼. T. 7 N., R. 5 W., Sec. 24, NE¼SE¼, S½SE¼.	Payette County—4 to 12 miles southwest of New Plymouth, Idaho.

The areas described total 6,190.26 acres of public lands.

The lands involved are scattered throughout Idaho and are generally suitable for the grazing of livestock. The topography varies from flat to rolling with some rock outcroppings and float rock. The soils are mainly silt and sandy loam with vegetative cover typical of grazing land of the area.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

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

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

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

b. All valid applications under the homestead, desert land and small tract laws by qualified veterans of World War II and, or, the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279 through 284, as amended), presented prior to 10:00 a. m., on December 10, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on March 11, 1958, will be governed by the time of filing.

c. All valid applications and selections under the nonmineral public land laws other than those coming under paragraphs (a) and (b) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on March 11, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

2. The lands will be opened to location under the United States mining laws, beginning 10:00 a. m., on March 11, 1958.

Persons claiming veteran's preference rights under Paragraph 1 (b) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference

rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-9384; Filed, Nov. 13, 1957; 8:46 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 5, 1957.

The Village of Rathdrum has filed an application, Serial No. Idaho 08346, for the withdrawal of the lands described below, from all forms of appropriation under the Public Land Laws, General Mining Laws, and Mineral Leasing Laws. The applicant desires the land for a watershed and protection of the village water supply from contamination and pollution.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

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:

BOISE MERIDIAN, IDAHO

T. 52 N., R. 5 W.,
Sec. 23, NE¼, N½SW¼;
Sec. 24, SW¼NE¼, E½NW¼, NW¼NW¼, W½SE¼;
Sec. 25, NW¼SW¼.

This area includes 520 acres.

The W½SE¼, Sec. 24 and the NW¼SW¼, Sec. 25 are Forest Service acquired lands under the jurisdiction of the Coeur d'Alene National Forest.

NOLAN F. KEIL,
Acting State Supervisor.

[F. R. Doc. 57-9385; Filed, Nov. 13, 1957; 8:47 a. m.]

[Serial No. Idaho 08000]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

NOVEMBER 5, 1957.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and in accordance with Order No. 541, section 2.5, the Director, Bureau of Land Management approved April 21, 1954 (19 F. R. 247), it is ordered as follows:

The Order of the Assistant Secretary of the Department of the Interior, dated March 11, 1947, withdrawing certain public lands in Idaho for use by the Department of Commerce in the maintenance of air navigation facilities is hereby revoked, wherein it affects the following-described land:

BOISE MERIDIAN, IDAHO

T. 6 S., R. 13 E.,
Sec. 12, SE¼SW¼.

The area described contains 40 acres of public land.

The land is located approximately two miles south and seven and one-half miles west of Gooding, Idaho. The land is typical of the dry grazing land in southern Idaho. It is nearly level and is at an elevation of 3,300 feet.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 3 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

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

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

(2) All valid applications under the homestead (Alaska home site), desert land, and small tract laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m., on December 11, 1957, will be considered as simultaneously filed at that hour and before 10:00 a. m., on March 12, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on March 12, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., on March 12, 1958.

Persons claiming veteran's preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries and applications concerning the above lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-9386; Filed, Nov. 13, 1957; 8:47 a. m.]

Fish and Wildlife Service

[Director's Order 4, Amdt. 1]

DESIGNATED OFFICIALS OF BUREAU OF SPORT FISHERIES AND WILDLIFE

DELEGATION OF AUTHORITY WITH RESPECT TO FISH AND WILDLIFE RESTORATION PROJECTS

NOVEMBER 7, 1957.

Director's Order No. 4, dated October 17, 1957 (22 F. R. 8323), is amended to read as follows:

SECTION 1. *Delegation.* Except as provided in section 2 of this order, the officers and employees designated in this section are severally authorized to exercise the authority conferred upon the Secretary of the Interior by the Federal Aid to Wildlife Restoration Act of September 2, 1937, as amended (50 Stat. 917; 16 U. S. C. 669), and the Federal Aid to Fish Restoration and Management Act of August 9, 1950, as amended (64 Stat. 430; 16 U. S. C. 777), and they severally may act as the authorized representative of the Secretary in perfoming all actions required of the Secretary under the regulations implementing said acts appearing in Part 41, Title 50, Code of Federal Regulations.

(a) *Headquarters Organization.* Assistant Directors and Chief, Division of Technical Services.

(b) *Regional Offices.* Regional Directors and Chiefs, Division of Technical Services, Regions 1 to 5, inclusive.

SEC. 2. *Limitations; exercise of authority.* (a) The authority granted by section 1 of this order does not include authority to make apportionments of funds in connection with Federal aid in fish and wildlife restoration, nor au-

thority to issue regulatory documents subject to codification in the Code of Federal Regulations (44 U. S. C. 305; 1 CFR 1.10).

(b) The authority granted by section 1 of this order shall be exercised in accordance with applicable limitations and requirements in the Acts and implementing regulations and in accordance with the policies, procedures, and controls prescribed in the policy and procedure manuals governing Federal aid in fish and wildlife restoration projects.

SEC. 3. *Redelegation.* The authority granted by this order may not be redelegated.

(Commissioner's Order No. 4, 22 F. R. 8126)

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

[F. R. Doc. 57-9380; Filed, Nov. 13, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RALPH F. STARZ

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 of October 25, 1956, 21 F. R. 8197; April 26, 1957, 22 F. R. 2956.

A. Deletions: Allegheny-Ludlum Steel Corporation, Briggs & Stratton.

B. Additions: Outboard Marine Corp.

This statement is made as of October 18, 1957.

Dated: November 5, 1957.

RALPH F. STARZ.

[F. R. Doc. 57-9377; Filed, Nov. 13, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8761]

NATIONAL AIRLINES, INC., ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding heretofore assigned to be held on November 18, 1957, is hereby reassigned to be held on December 18, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner William J. Madden.

Dated at Washington, D. C., November 6, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-9424; Filed, Nov. 13, 1957; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10968—10970; FCC 57-1212]

GREAT LAKES TELEVISION, INC., ET AL.

MEMORANDUM OPINION AND ORDER REOPENING RECORD FOR FURTHER HEARING ON STATED ISSUES

In re applications of Great Lakes Television, Inc., Buffalo, New York, Docket No. 10968, File No. BPCT-1812; Leon Wyszatycki, d/b as Greater Erie Broadcasting Company, Buffalo, New York, Docket No. 10969, File No. BPCT-1827; WKBW-TV, Inc., Buffalo, New York, Docket No. 10970, File No. BPCT-1841; for construction permits for new television stations (Channel 7).

1. The Commission has before it for consideration two petitions to enlarge issues; one filed by Greater Erie on July 29, 1957, and seeking an enlargement of the issues to include a comparison of the engineering proposals of Greater Erie and WKBW-TV, and the other filed by Great Lakes on Aug. 5, 1957, seeking a comparison of the engineering proposals of all three applicants.

2. The Greater Erie petition is a new presentation of a petition originally filed on April 14, 1954, and denied by the Commission in its Memorandum Opinion and Order of July 26, 1954. We, therefore, regard its instant pleading as a petition for reconsideration of our action of July 26, 1954, and, as it is untimely filed pursuant to the provisions of 47 CFR 1.390, it must be denied.

3. For similar reasons, we regard the Great Lakes petition as procedurally improper. The initial order of designation in this proceeding was published in the FEDERAL REGISTER on March 30, 1954, and on April 14, 1954 Greater Erie filed its aforementioned petition to enlarge the issues to include a comparison of the engineering proposals of Greater Erie and WKBW-TV. On April 26, 1954, Great Lakes filed a consent to the Greater Erie petition, but conditioned its consent on the issues being enlarged to include a comparison of the engineering proposals of all three applicants. Thus, although the filing of the Great Lakes pleading was untimely as a petition to enlarge the issues,[1] the Great Lakes position was before the Commission and received due consideration. (See Memorandum Opinion and Order of July 26, 1954.) Therefore, in our view the instant Great Lakes petition must be regarded as an untimely filed petition for reconsideration.

4. However, the subject matter of the Greater Erie petition is before us in another manner. In the Greater Erie exceptions to the Initial Decision, No. 73 (b), an exception is noted to our Memorandum Opinion and Order of July 26, 1954, which denied that applicant's original petition to enlarge issues. Consideration of the matter on the merits, based upon the exception taken, may therefore serve to expedite final disposition of this proceeding.

[1] 47 CFR 1.389 "* * *. Such motions (to enlarge issues) must be filed with the Commission not later than 15 days after the issues in the hearing have first been published in the FEDERAL REGISTER."

5. Preliminary to passing thereon, it is appropriate to restate the relief originally sought. Greater Erie sought to include an issue which would permit the introduction of evidence as to the location of the projected Grade A and B contours of its proposed station, and the proposed station of WKBW-TV, and on the basis of these contours determine the areas and populations which would be served.

6. In the authorization of visual broadcast stations, the Commission's rules (§ 3.683) consider two field intensity contours. These are specified as Grade A and Grade B. Section 3.684 of the rules sets out the methods to be used in predicting these contours. However, while § 3.683 (b) (1) of the rules states that these contours may be used for the "estimation of coverage," the same section (§ 3.683 (a)) states that the contours merely show "* * * the approximate extent of coverage over average terrain in the absence of interference from other television stations. Under actual conditions, the true coverage may vary greatly from these estimates because the terrain over any specific path is expected to be different from the average terrain on which the field strength charts are based." Thus, actual coverage may vary greatly from that predicted by the use of the above charts.

7. The Commission dealt with a similar problem in re Louis Wasmer, 9 RR 713, the case on which our Memorandum Opinion and Order of July 26, 1954, was based. In that case we stated that projections as to where the field intensity contours of a proposed station would fall are subject to numerous error factors and are not sufficiently reliable to be used as evidence on which to base a finding. We further stated therein that an applicant should be permitted to introduce evidence relative to coverage in the event he could show that such evidence was of more than tenuous validity, but we indicated that we were unaware of any existing technique or device capable of establishing persuasively the areas and populations which will actually receive service from a proposed station. Thus, we have not denied that coverage is a proper factor of comparative consideration, but we have expressed our belief that the present state of the art affords no method of adducing reliable evidence on this point and the Wasmer decision may be regarded as a rule of evidence rather than of substantive law. See also Midwestern Broadcasting Company, et al. FCC 56-197, 13 RR 613.

8. On September 6, 1956, the United States Court of Appeals for the District of Columbia handed down its decision in Hall and Greenville Television Co. v. FCC; 237 F2 567; 99 U. S. App. D. C. 86; 14 RR 2009. Although the court was not there dealing with a comparative proceeding, it had occasion to rule on the evidentiary value of projected field intensity contours, and it held that, although such contours may be subject to gross errors in any given case, they have a high statistical probability of accuracy and the burden of proof lies on the party contending they are wrong, not on the party advocating their reliability. Thus,

it would appear that consideration of such evidence, if it is adduced, is required.

9. On the other hand, we do not regard the Hall case as indicating what weight should be accorded the evidence of projected contours or what significance should be placed on the over-all issue of coverage in a comparative proceeding. Field intensity contours are, at best, no more than a measurement of service potential. Noise level, adjacent and co-channel interference and shadowing might, in a given case, reduce actual service to a small fraction of that indicated by projected field intensity contours based solely upon the Commission's standards. In addition to the factors affecting service which are mentioned above, there is to be considered the fact that, under the statistical theory upon which the determination of the Grade A and Grade B contours is based, the number of locations receiving an acceptable signal decreases with distance from the transmitter. Clearly, in the absence of evidence as to actual service which reasonably may be expected within the respective field intensity contours, mere knowledge of the location of the contours of the competing applicants would be of questionable use to the Commission in determining which station would best serve the public interest. Moreover, assuming that it can be proven with reasonable accuracy just what areas and populations can be expected to receive service from the proposed stations, then the other television services available to those areas and populations become pertinent.

10. Because petitioners, in the pleadings before us, have not given any consideration to service, as distinguished from coverage, to the populations which they have counted within their Grade A and Grade B contours, we have here set forth the principal difficulties in attempting to demonstrate by acceptable proof the areas and populations that will receive television service from a specific proposal. One of the parties herein, however, asserts the right to comparative consideration of the areas and populations served. Recognizing the inherent difficulties of adducing meaningful evidence on such issue, we believe that, in view of the aforesaid decision in Hall and Greenville Television Co. v. FCC, the enlargement of the issues is required.

11. Finally, we do not view the enlargement of the issues in the restrictive form requested by Greater Erie as being appropriate in a comparative proceeding. If coverage is to be of significance in our determination of this matter, a comparison must be made of the coverage of all the applicants. The public interest would not be served by limiting our deliberation to a comparison of the coverage proposed by Greater Erie and WKBW-TV.

12. *Accordingly, it is ordered,* This 6th day of November 1957, that the petitions to enlarge issues filed by Greater Erie on July 29, 1957, and by Great Lakes on August 5, 1957, are denied.

13. *It is further ordered,* On the Commission's own motion, that the record in this proceeding is reopened, the issues in this proceeding are enlarged to include the following issues:

a. To determine the location of the proposed Grade A and B contours of the three applicants in this proceeding.

b. To determine, on a comparative basis, the areas and populations within the respective Grade A and Grade B contours which may reasonably be expected to receive actual service from the applicants' proposed stations.

c. In the event the proof under issues (a) and (b) above shall establish that any or all of the three applicants will bring actual service to areas and populations not served by either or both of its competitors, to determine the number of services, if any, presently available to such areas and populations;

and the matter is remanded to the Hearing Examiner for the taking of evidence on the above issues, and for the issuance of a supplemental Initial Decision.

Released: November 8, 1957.

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

[F. R. Doc. 57-9413; Filed, Nov. 13, 1957; 8:52 a. m.]

[Docket No. 12194; FCC 57M-1096]

AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.

ORDER CONTINUING HEARING

In the matter of American Telephone and Telegraph Company, et al., Docket No. 12194; charges, classifications, regulations and practices for and in connection with channels for data transmission.

The Hearing Examiner having under consideration a motion filed on October 31, 1957, by American Telephone and Telegraph Company for postponement of hearing; and a statement in support of motion filed on November 4, 1957, by General Services Administration;

It appearing that the hearing is currently scheduled to commence on November 13, 1957, and that the petitioner requests a continuance to December 17, or thereabouts; and

It further appearing that the present date for hearing is inconvenient for the parties and for the Hearing Examiner and that no objection has been expressed to the request;

It is ordered, This 6th day of November 1957, that the hearing now scheduled to commence on November 13 is continued to December 18, 1957, at 10:00 a. m.

Released: November 7, 1957.

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

[F. R. Doc. 57-9414; Filed, Nov. 13, 1957; 8:52 a. m.]

[Docket Nos. 12235, 12236; FCC 57-1213]

LOUISIANA PURCHASE CO. AND SIGNAL HILL TELECASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Louisiana Purchase Company, St. Louis, Missouri, Docket No. 12235, File No. BPCT-2295; for construction permit for a new television broadcast station; Signal Hill Telecasting Corporation, St. Louis, Missouri, Docket No. 12236, File No. BMPCT-4615; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of November 1957;

The Commission, having under consideration the above-captioned applications, one requesting a construction permit for a new television broadcast station to operate on Channel 2 in St. Louis, Missouri, the other requesting a modification of construction permit to operate on Channel 2 in lieu of Channel 36 in St. Louis; and

It appearing that the above-captioned applications are mutually exclusive, in that operation by more than one of the applicants would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications and the replies to the above letters, the Commission finds that Louisiana Purchase Company is legally, technically, financially, and otherwise qualified to construct, own and operate the proposed television broadcast station except as to issue "1" below; and that Signal Hill Telecasting Corporation is legally, technically, financially, and otherwise qualified to construct, own and operate the proposed television broadcast station.

It is ordered, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Louisiana Purchase Company and Signal Hill Telecasting Corporation are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether the antenna system and site proposed by Louisiana Purchase Company would constitute a hazard to air navigation.

2. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast station.

(c) The programming service proposed in each of the above-captioned applications.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, Louisiana Purchase Company and Signal Hill Telecasting Corporation, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: November 8, 1957.

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

[F. R. Doc. 57-9415; Filed, Nov. 13, 1957; 8:52 a. m.]

[Docket Nos. 12239, 12240; FCC 57-1215]

FARGO TELECASTING CO. AND NORTH DAKOTA BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Marvin Kratter, d/b as Fargo Telecasting Company, Fargo, North Dakota, Docket No. 12239, File No. BPCT-2261; North Dakota Broadcasting Company, Inc., Fargo, North Dakota, Docket No. 12240, File No. BPCT-2357; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 6th day of November 1957;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 11 in Fargo, North Dakota; and

It appearing that the above-captioned applications are mutually exclusive, in that operation by more than one of the applicants, as proposed, would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing, and of all objections to their applications, and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letters, the Commission finds that North Dakota Broadcasting Company, Inc., is legally, financially and technically qualified to construct, own and operate the proposed television broadcast station, and is otherwise qualified except as to issues "1" and "2" below; and that Marvin Kratter d/b as Fargo Telecasting Company is legally qualified to construct, own and operate the proposed television broadcast station, and is technically qualified except as to issue "4" below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of North Dakota Broadcasting Company, Inc. and Marvin Kratter d/b as Fargo Telecasting Company are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine, in view of the substantial overlap which will result between the service area of the proposed Fargo station of North Dakota Broadcasting Company, Inc. and the service area of Television Station KXJB, Channel 4, Valley City, North Dakota, which it also owns, whether the proposal of North Dakota Broadcasting Company, Inc. would be consistent with the provisions of § 3.636 (a) (1) of the Commission's rules.

2. To determine, in view of the fact North Dakota Broadcasting Company, Inc. also owns television broadcast stations operating in Valley City, Bismarck and Minot, North Dakota, whether a grant of the proposed operation would result in such a concentration of control as to be inconsistent with the provisions of § 3.363 (a) (2) of the Commission's rules.

3. To determine whether Marvin Kratter d/b as Fargo Telecasting Company is financially qualified to construct, own and operate the proposed station.

4. To determine, in view of Fargo Telecasting Company's failure to furnish profile data with respect to the 301 degree radial for the entire distance from the transmitter site to the principal community as required by Section V-C, page 3, paragraph 16 (b) of the application form, whether its proposal complies with the requirements of § 3.685 of the Commission's rules.

5. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the television broadcast station.

(c) The programming service proposed in each of the above-captioned applications.

6. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if either, should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, North Dakota Broadcasting Company, Inc., and Marvin Kratter d/b as Fargo Telecasting Company, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: November 8, 1957.

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

[F. R. Doc. 57-9416; Filed, Nov. 13, 1957; 8:52 a. m.]

[Docket Nos. 12241, 12242; FCC 57-1217]

RADIO FRANKLIN, INC., AND S. L. GOODMAN

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Franklin, Incorporated, Rocky Mount, Virginia, Docket No. 12241, File No. BP-10915; S. L. Goodman, Bassett, Virginia, Docket No. 12242, File No. BP-11249; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of November 1957;

The Commission having under consideration the above-captioned applications of Radio Franklin, Incorporated, for a construction permit for a new standard broadcast station to operate on 1290 kilocycles with a power of one kilowatt, daytime only, at Rocky Mount, Virginia; and of S. L. Goodman for a construction permit for a new standard broadcast station to operate on 1270 kilocycles with a power of 500 watts, daytime only, at Bassett, Virginia;

It appearing that both applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the stations as proposed, but that the operation of both proposals would result in mutual interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated September 17, 1957, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that both applicants filed timely replies to the Commission's letter; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: November 8, 1957.

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

[F. R. Doc. 57-9417; Filed, Nov. 13, 1957; 8:53 a. m.]

[Docket No. 12243; FCC 57-1218]

PIERCE BROOKS BROADCASTING CORP. (KGIL)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In reapplication of Pierce Brooks Broadcasting Corp. (KGIL), San Fernando, California, Docket No. 12243, File No. BP-10512; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 6th day of November 1957;

The Commission having under consideration the above-captioned application of the Pierce Broadcasting Corp. to increase the daytime power of Station KGIL, San Fernando, California, from one kilowatt to 5 kilowatts and to operate on the presently assigned frequency of 1260 kilocycles with a power of one kilowatt at night using different directional antenna patterns for day and night operation, unlimited time;

It appearing that the applicant is legally, technically, financially and otherwise qualfied, except as may appear from the issues specified below, to operate Station KGIL as proposed but that the proposed 2 mv/m daytime contour of Station KGIL would overlap the 25 mv/m contour of Station KPPC, Pasadena, California (1240 kc, 100 w, S. H.) in contravention of § 3.37 of the Commission's rules, and that the applicant proposes to avoid the overlap of the proposed 2 mv/m contour and the 25 mv/m contour of Station KPPC by using the presently authorized directional antenna pattern during the specified hours that Station KPPC operates (Sunday: 6 a. m. to Midnight; Wednesday: 7 p. m. to 11 p. m.), but that it does not appear that such operation of Station KGIL would be feasible from an allocation standpoint in view of the provision of § 3.23 (e) of the Commission's rules which permits a station operating on a local channel to operate during hours beyond those specified in the license upon notification to the Commission and the Engineer in Charge of the radio district in which the station is located; and

It further apearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated August 1, 1956, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the licensee of Station KPPC, by letter dated December 4, 1956, objected to a grant of the subject application; and

It further appearing that in a reply dated April 25, 1957, to the Commission's letter, the applicant pointed out that it proposes to operate with the presently authorized power of one kilowatt utilizing the presently authorized antenna pattern to avoid overlap of the proposed 2 mv/m contour and the KPPC 25 mv/m contour, and that a similar operating procedure is followed by Station KGFJ, Los Angeles, California (1230 kc, 250 w except 100 w when KPPC is operating); and

It further appearing that the Commission is unable to make a determination in this matter on the basis of the data before it and is of the opinion that an evidentiary hearing is necessary to obtain complete information relative to the above-captioned application and the grounds advanced in support of the request to operate as proposed to enable the Commission to determine whether the public interest would be served by a grant thereof;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KGIL as proposed and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation, because of its dependence upon the operation of Station KPPC, is consistent with the Commission's plan of allocation of Standard Broadcast Stations, as reflected in the Commission Rules and Technical Standards.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the above-captioned application should be granted.

It is further ordered, That the Pasadena Presbyterian Church, licensee of Station KPPC, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: November 8, 1957.

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

[F. R. Doc. 57-9418; Filed, Nov. 13, 1957; 8:53 a. m.]

[Docket Nos. 12244-12246; FCC 57-1219]

SANTA ROSA BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of B. Floyd Farr, George Snell, Edward W. McCleery, Robert Blum d/b as Santa Rosa Broadcasting Company, Santa Rosa, California, Docket No. 12244, File No. BP-10626; Golden Valley Broadcasting Company (KRAK), Stockton, California, Docket No. 12245, File No. BP-10676; Joseph E. Gamble and Lew L. Gamble d/b as Radio Santa Rosa, Santa Rosa, California, Docket No. 12246, File No. BP-11084; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of November 1957;

The Commission having under consideration the above-captioned applications of the Santa Rosa Broadcasting Com-

pany, File No. BP–10626, for a construction permit for a new standard broadcast station to operate on 1150 kilocycles with a power of one kilowatt, directional antenna, daytime only, at Santa Rosa, California; of the Golden Valley Broadcasting Company, File No. BP–10676, for a construction permit to increase the power of Station KRAK, Stockton, California, from 5 kilowatts to 50 kilowatts, and to operate on the presently assigned frequency of 1140 kilocycles, directional antenna, unlimited time; and of Joseph E. Gamble and Lew L. Gamble d/b as Radio Santa Rosa, File No. BP–11084, for a construction permit for a new standard broadcast station to operate on 1150 kilocycles with a power of 500 watts, nighttime, 5 kilowatts, daytime, utilizing different directional antenna patterns for day and night operation, unlimited time, at Santa Rosa, California;

It appearing that all of the applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate their proposed stations, but that the operation of the stations as proposed would result in mutually destructive interference and that the proposed operations of the Santa Rosa Broadcasting Company and Radio Santa Rosa would cause interference to the existing operation of Station KRAK; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated July 18, 1957, of the aforementioned interference and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that timely replies to the Commission's letter were received from all subject applicants; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of the Santa Rosa Broadcasting Company and Radio Santa Rosa and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KRAK as proposed and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operations of the Santa Rosa Broadcasting Company and Radio Santa Rosa would cause interference to the existing operation of Station KRAK, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

4. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, whether a grant of the Stockton, California, proposal or one of the Santa Rosa, California, proposals herein would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event that Santa Rosa, California, is considered to have the greater need for a new radio facility under issue 4 above, which of the applications of the Santa Rosa Broadcasting Company and Radio Santa Rosa for operation in Santa Rosa would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the two applicants as to:

a. The background and experience of each of said two applicants to own and operate its proposed station.

b. The proposal of each of said two applicants with respect to the management and operation of its proposed station.

c. The programming service proposed in the application of each of said two applicants.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: November 8, 1957.

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

[F. R. Doc. 57–9419; Filed, Nov. 13, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–10610]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 7, 1957.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation with its principal place of business in Houston, Texas, filed an application on June 18, 1956, pursuant to section 7 of the Natural Gas Act, authorizing the construction and continued operation of certain natural gas facilities, heretofore not authorized, which are used for the purpose of receiving natural gas from certain producers in Louisiana and Texas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

The facilities for which Applicant seeks authorization are described as follows:

(1) One 2-inch tap with appurtenances at an estimated initial unit cost of $572 at a point on Applicant's existing main transmission line in Nueces County, Texas, approximately 5.5 miles downstream from Applicant's existing Compressor Station No. 1; in order to receive gas produced by South Texas Oil and Gas Company (South Texas Oil and Gas) from the Agua Dulce Field, Nueces County, Texas;

(2) One 4-inch tap with appurtenances, together with 2.6 miles of 4-inch lateral supply pipeline, at an estimated initial unit cost of $48,280. The gas received through the above-described facilities enters Applicant's facilities approximately 27 miles from the terminus of Applicant's existing Bayou Sale lateral in St. Mary Parish, Louisiana. These proposed facilities receive gas produced by The Texas Company (Texas Company) from the Bayou Penchant Field, Terrebonne Parish, Louisiana;

(3) One 2-inch tap with appurtenances at an estimated initial unit cost of $712 at a point on Applicant's existing Blanco Creek lateral approximately 20 miles upstream from Applicant's existing Compressor Station No. 9 in Victoria County, Texas; in order to receive gas produced by Grace Oil Company (Grace) from the Blanco Creek Field, Refugio County, Texas;

(4) One 4-inch tap with appurtenances together with 0.9 mile of 4-inch lateral supply pipeline at an estimated initial unit cost of $18,300. The gas received by the above-described proposed facilities enter Applicant's existing Compressor Station No. 17 in Wharton County, Texas, through the Chesterville, New Elm No. 1 laterals. These proposed facilities receive gas produced by Skelly Oil Company (Skelly) produced from the North Columbus Field, Colorado County, Texas;

(5) One 2-inch tap with appurtenances at an estimated initial unit cost of $720 at a point on Applicant's existing Bayou Sale lateral approximately 33 miles south of Applicant's existing Kinder Compressor Station in Jefferson Davis Parish, Louisiana; in order to receive gas produced by Sun Oil Company (Sun) from the South Crowley Field, Acadia Parish, Louisiana;

(6) One 2-inch tap with appurtenances at an estimated initial cost of $550 at a point on Applicant's existing Tobasco lateral approximately 105 miles upstream of Applicant's existing Compressor Station No. 1 in Nueces County, Texas; in order to receive gas produced by Clark Fuel Producing Company

(Clark) from the Doss Field, Starr and Hidalgo Counties, Texas;

(7) One 4-inch tap with appurtenances at an estimated initial unit cost of $1,140 at a point on Applicant's existing North Magnolia City lateral downstream from Applicant's existing Compressor Station No. 1 in Nueces County, Texas; in order to receive gas produced by Southern Coast Corporation, et al., (Southern Coast) from the Duval Area, Duval, Webb and LaSalle Counties, Texas;

(8) One 4-inch tap with appurtenances, together with 1.5 miles of 4-inch lateral supply line at an estimated initial unit cost of $29,929. The gas received by the above-described facilities enters Applicant's facilities at Applicant's existing La Reforma lateral in the north section of Hidalgo County, Texas. These proposed facilities receive gas produced by Shell Oil Company (Shell) from the La Copita Field, Starr County, Texas;

(9) One 2-inch tap with appurtenances at an estimated unit cost of $1,085 at a point on Applicant's existing La Rose and Delta Farm lateral located in Lafourche Parish, Louisiana; in order to receive gas produced by Mississippi River Fuel Corporation (Mississippi River Fuel) from the La Rose Field, Lafourche Parish, Louisiana;

(10) One 2-inch tap with appurtenances at an initial unit cost of $1,215 at a point on Applicant's existing Main Pass Block 35 lateral approximately 50 miles from Applicant's existing Delta Farms lateral in Lafourche Parish, Louisiana; in order to receive gas produced by The Texas Company from the Main Pass Block 35 Field, Plaquemines and St. Bernard Parishes, Louisiana;

(11) One 4-inch tap with appurtenances, together with 7 miles of 4-inch lateral supply pipeline at an estimated initial unit cost of $96,685. The gas received by the above-described proposed facilities enters Applicant's existing Tom O'Connor lateral at a point approximately 29 miles upstream from Applicant's existing Compressor Station No. 9. These proposed facilities receive gas produced by The Chicago Corporation, now Champlin Oil and Refining Company, from the Mary Ellen O'Connor Field, Refugio County, Texas;

(12) One 2-inch tap with appurtenances at an initial unit cost of $550 at a point on Applicant's existing Morales lateral in Jackson County, Texas, approximately 37 miles downstream from Applicant's existing Compressor Station No. 9; in order to receive gas produced by Skelly Oil Company (Skelly) from the Morales Field, Jackson County, Texas;

(13) One 4-inch tap with appurtenances, together with 0.26 mile of 4-inch lateral supply pipeline, at an estimated initial unit cost of $6,612. The gas received through the above-described proposed facilities enters Applicant's existing West Rock Island lateral located in the northwest section of Colorado County, Texas. These proposed facilities receive gas produced by Tidewater Associated Oil Company, now Tidewater Oil Company, from the West Rock Island Field, Colorado County, Texas;

(14) One 4-inch tap with appurtenances, together with 1.1 miles of 4-inch lateral supply pipeline at an estimated initial unit cost of $21,750. The gas received through the above-described facilities enters Applicant's existing La Reforma lateral located in north section of Hidalgo County, Texas. These proposed facilities receive gas produced by Delhi-Taylor Oil Corporation from the San Ramon Field, Hidalgo County, Texas;

(15) One 4-inch tap with appurtenances, together with 1.0 mile of 4-inch lateral supply pipeline at an estimated initial unit cost of $31,216. The gas received through the above-described facilities enters the terminus of Applicant's existing Southeast Louisiana system in Plaquemines Parish, Louisiana. These proposed facilities receive gas produced by The Texas Company from the South Pass Block 24 Field, Plaquemines Parish, Louisiana; and

(16) One 2-inch tap with appurtenances at an estimated initial unit cost of $550, at a point on Applicant's existing Sublime lateral in Lavaca County, Texas; in order to receive gas produced by G. W. Townsend, et al. from the Underwood Field, Lavaca County, Texas.

The estimated total cost of these facilities is $272,860, which will be financed from company funds.

No additional markets are to be served by Applicant, other than those previously authorized.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 11, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 29, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9400; Filed, Nov. 13, 1957; 8:49 a. m.]

[Docket No. G-10378]

OLIN GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 7, 1957.

Take notice that Olin Gas Transmission Company (Applicant), a Delaware corporation with its principal place of business in Monroe, Louisiana, filed an application on May 10, 1956, as supplemented on August 17, 1957, pursuant to section 7 of the Natural Gas Act, for authority to construct and operate certain natural gas facilities for the sale and delivery of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

Applicant seeks authority to construct and operate certain facilities necessary to provide temporary direct industrial interruptible natural gas service from a tap off its Fowler-Baton Rouge interstate pipeline in order to supply gas to the Polyethylene Pilot Plant of the Polymer Chemical Division of W. R. Grace and Company (Grace), near Baton Rouge, Louisiana.

Temporary authorization to sell and deliver up to 120 Mcf per day of interruptible gas was granted by the Commission on May 28, 1956. The authorization will expire when Applicant places its intrastate gas line in service to the main Grace plant but it does not extend beyond July 1, 1957.

Applicant, in its August 17, 1956, supplement, seeks authority to use the proposed interstate facilities to provide "standby service" to Grace after July 1, 1957, only if circumstances beyond its control interrupt deliveries from the intrastate line and then only for the duration of the emergency.

Applicant states that the proposed $8,500 investment is so minor that rather than spend additional money to dismantle the facilities it is wiser to save them for emergency interruptible use. Applicant plans to charge its intrastate rate for service from the interstate line in the event that this line is issued in emergencies.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 10, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise ad-

vised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 29, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9401; Filed, Nov. 13, 1957; 8:50 a. m.]

[Docket No. G-10319]

COLORADO-WYOMING GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 7, 1957.

Take notice that Colorado-Wyoming Gas Company (Applicant), a Delaware corporation with its principal place of business in Denver, Colorado, filed an application on April 27, 1956, as supplemented on May 24, 1956, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of ten farm taps and two group taps at undetermined locations on its natural gas system in Colorado and Wyoming, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

This application was filed pursuant to the Commission's Order No. 185, issued February 8, 1956, suggesting that interstate pipeline companies file a single application for construction of routine or blanket items.

Applicant states that due to normal increases in demands for gas in its market areas periodic requests are made by its resale customers to install farm taps and group taps to provide in rural areas. The farm taps normally are restricted to resale service to groups of not more than 10 consumers where the annual load does not exceed 2,000 Mcf and the peak day load does not exceed 20 Mcf. The group taps furnish service to areas requiring somewhat larger installations than farm taps but not requiring major metering stations. Group taps are often installed as a result of growth in existing farm tap service areas. Applicant, in such cases, provides the tap and its installation, and the resale customers provide and install any necessary distribution facilities.

Applicant anticipates requests by its existing resale customers for approximately two group taps and 10 farm taps during the last three quarters of the fiscal year ending December 31, 1956, at locations unknown at this time, based on its past experience.

The estimated cost of construction of the farm taps is estimated at $100 each, and the group taps at $1,000 each. Group taps include regulating equipment furnished by Applicant, whereas such equipment is furnished by the resale customer in the case of farm taps. Total estimated cost of the 12 taps is $3,000, which will be paid for out of a budgeted fund provided by Applicant for such facilities.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 10, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 29, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9402; Filed, Nov. 13, 1957; 8:50 a. m.]

[Docket No. G-9024]

NORTH PENN GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 7, 1957.

Take notice that North Penn Gas Company (Applicant), a Pennsylvania corporation with its principal place of business at Port Allegany, Pennsylvania, filed an application on June 9, 1955, and supplementary data thereto on June 24, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of (a) approximately 3 miles of 10-inch pipeline extending from the terminus of an existing 14-inch pipeline in the Borough of Blossburg to a point in Applicant's storage pool in Farmington Township, Tioga County, Pennsylvania, and (b) a point of connection with facilities of Tennessee Gas Transmission Company in Tioga County, Pennsylvania.

Applicant proposes the requested facilities to enable it to purchase and receive surplus gas from Tennessee, and add flexibility to its system by permitting it to place such gas directly into its Tioga Storage Pool or deliver it to Corning Natural Gas Corporation or through other interconnecting lines to the western portion of its system.

The estimated capital cost of the proposed facilities is $64,692, which will be defrayed from current funds.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 12, 1957, at 9:30 a. m. (e. s. t.), in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 2, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9403; Filed, Nov. 13, 1957; 8:50 a. m.]

[Docket No. G-11428 etc.]

SKELLY OIL CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 7, 1957.

In the matters of Skelly Oil Company, Docket No. G-11428; Columbian Carbon Company, Docket No. G-11648; Skelly Oil Company,[1] Docket No. G-11664; Sohio Petroleum Company,[2] Docket No. G-11668; Morris Oil and Gas Company, Inc., Docket No. G-11670; Walter R. McClelland, Docket No. G-11672; Pan American Petroleum Corporation, Docket No. G-11675; Maxwell Gas Company (by Earl Hardman, Attorney-in-Fact),[3] Docket No. G-11698; Continental Oil Company, Docket No. G-11707; Duncan Gas Company & Victor Brannon, Operator (by Holly Nestor, Agent),[4] Docket No. G-11714; J. A. Dye Heirs Gas Company & Victor Brannon, Operator (by Holly Nestor, Agent),[5] Docket No. G-11715; Keith-Hildreth Gas Company & Victor Brannon, Operator (by Holly Nestor,

See footnotes at end of document.

Agent),[6] Docket No. G–11716; M. F. Powers,[7] Docket No. G–11724; Tidewater Oil Company,[8] Docket No. G–11768; Melborne Petroleum Corporation (N. S. L.), Docket No. G–11785; William Gruenerwald, Operator, et al.,[9] Docket No. G–11790; Si-Bo Oil Company,[10] Docket No. G–11791; B. O. Lilly, Operator,[11] Docket No. G–11794; The California Company, Docket No. G–11796; Cities Service Oil Company, Docket Nos. G–12149, G–12150; Humble Oil & Refining Company,[12] Docket No. G–12171; Texas Pacific Coal and Oil Company, Docket No. G–12188; Shell Oil Company, Docket No. G–12190; The Carter Oil Company by (Agent) Midwest Oil Corporation, Operator,[13] Docket No. G–12218; H. L. Hawkins & H. L. Hawkins, Jr., Docket No. G–12222; J. M. Huber Corporation, Docket No. G–12236; E. A. Klug, et al.,[14] Docket No. G–12301; Rush Run Gas Company (Hays and Company, Agent),[15] Docket No. G–12340; Dearborn Oil and Gas Corporation, Docket No. G–12368; Trail Gas Company,[16] Docket No. G–12369; Hughes River Oil and Gas Company, Docket No. G–12458; R. J. Braden, et al.,[17] Docket No. G–12466; Mary Duffield Gas Company (Stanley d'Orazio, Agent),[14] Docket No. G–12467; Ralph Mace, et al.,[14] Docket No. G–12468; Delbert Goff, et al.,[14] Docket No. G–12469; P. E. Anderson, d. b. a. Anderson Gas Company, et al.,[18] Docket No. G–12470; Staunton Development Company, Docket No. G–12471; Summers Oil and Gas Company, Docket No. G–12477; B. E. Talkington, et al.,[19] Docket No. G–12518; The Cummings Oil Company (C. B. Smith, Attorney-in-Fact), Docket No. G–12519; Pricy Sampson Oil and Gas Company (by Victor Brannon, Agent), Docket No. G–12520; Fred Whitaker, Operator, et al.,[20] Docket No. G–12526; A. S. Genecov, Trustee, et al.,[21] Docket No. G–12536; D. B. McConnell, Operator, et al.,[22] Docket No. G–12559; King-Stevenson Corporation, Docket No. G–12560; Continental Oil Company, Docket No. G–12562; The Atlantic Refining Company, Docket No. G–12564; E. C. Laster and Eugenia F. Laster,[23] Docket No. G–12567; Universal Petroleum Corporation (Operator) and Agent for E. W. Brown, et al.,[24] Docket No. G–12576; Alfred D. McKelvy, Operator, et al.,[25] Docket No. G–12577; Phillips Petroleum Company, Operator, et al.,[26] Docket No. G–12974; Philip Lemon, et al.,[27] Docket No. G–12984; R. & H. Gas Company (by Agents, Dr. W. S. Rowan and Paul Hinchman)[28] Docket No. G–12985; Delaware Gas Company, Docket No. G–12986.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications, which are on file with the Commission and open for public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No. G–; Location of Field; and Buyer

11428; Acreage in San Juan County, New Mexico; El Paso Natural Gas Company.

11648; Acreage in Mingo County, West Virginia; United Fuel Gas Company.

11664; Darley Field, Claiborne and Bienville Parishes, Louisiana; Arkansas Louisiana Gas Company.

11668; Greenwood-Waskom Field, Caddo Parish, Louisiana; Texas Eastern Transmission Corporation.

11670; Washburn Area, Murphy District, Ritchie County, West Virginia; Hope Natural Gas Company.

11672; Camrick Field, Texas County, Oklahoma; Kansas-Nebraska Natural Gas Company, Inc.

11675, 12218; Bethany-Longstreet Field, De Soto Parish, Louisiana; Texas Eastern Transmission Corporation.

11698; Crab Run,-Murphy District, Ritchie County, West Virginia; Penova Interests.

11707; Maxie Field, Forrest County, Mississippi; United Gas Pipe Line Company.

11714, 11715; Washington District, Calhoun County, West Virginia; Hope Natural Gas Company.

11724; Hugoton Field, Kearny County, Kansas; Cities Service Gas Company.

11768; Brown & Altman "B" Unit, Emperor Field, Winkler County, Texas; Permian Basin Pipeline Company.

11785; San Juan Basin, San Juan County, New Mexico; El Paso Natural Gas Company.

11790; Farley Field, Barber County, Kansas; Cities Service Gas Company.

11791, 11794; West Panhandle Field, Carson County, Texas; Kerr-McGee Oil Industries, Inc.

11796; South Pass, Blocks 5, 41, 43, and South Burrwood Fields, Plaquemines Parish, Louisiana; Tennessee Gas Transmission Company.

12149; Mocane Field, Beaver County, Oklahoma; Colorado Interstate Gas Company.

12150; Southwest Camp Creek Field, Beaver County, Oklahoma; Colorado Interstate Gas Company.

12171; Rock Island Field, Colorado County, Texas; Tennessee Gas Transmission Company.

12188; Jalmat Pool, Lea County, New Mexico; El Paso Natural Gas Company.

12190; Seven Sisters Field, Duval County, Texas; Tennessee Gas Transmission Company.

12222; Church Point Field, Acadia Parish, Louisiana; Texas Gas Transmission Corporation.

12236; West Eureka Field, Alfalfa County, Oklahoma; Cities Service Gas Company.

12301; Meade District, Marshall County, West Virginia; Hope Natural Gas Company.

12340, 12469; Sherman District, Calhoun County, West Virginia; Hope Natural Gas Company.

12368; Wick Field, Meade District, Tyler County, West Virginia; Hope Natural Gas Company.

12369, 12985; Triadelphia District, Logan County, West Virginia; Hope Natural Gas Company.

12458, 12471, 12519; Murphy District, Ritchie County, West Virginia; Hope Natural Gas Company.

12466; Union District, Upshur County, West Virginia; Hope Natural Gas Company.

12467, 12520; Washington District, Calhoun County, West Virginia; Hope Natural Gas Company.

12468; Valeria Poling Field, Sherman District, Calhoun County, West Virginia; Hope Natural Gas Company.

12470; West Mallory Field, Logan County, West Virginia; Hope Natural Gas Company.

12477, 11716; Lee District, Calhoun County, West Virginia; Hope Natural Gas Company.

12518, 12984; Union District, Ritchie County, West Virginia; Hope Natural Gas Company.

12526; Carthage Field, Panola County, Texas; Texas Gas Transmission Corporation.

12536; South Hallsville Field, Panola County, Texas; Texas Gas Transmission Corporation.

12559; Sligo Field, Bossier Parish, Louisiana; Texas Gas Transmission Corporation.

12560; Hugoton Field, Seward County, Kansas; Northern Natural Gas Company.

12562; Southwest Hunter Field, Garfield County, Oklahoma; Consolidated Gas Utilities Corporation.

12564; Jalmat Field, Lea County, New Mexico; El Paso Natural Gas Company.

12567; Waskom Field, Harrison County, Texas; Arkansas Louisiana Gas Company.

12576; Enke Field Area, Goliad County, Texas; Texas Eastern Transmission Corporation.

12577; Hugoton Field, Finney County, Kansas; Northern Natural Gas Company.

12974; Avard Field, Woods County, Oklahoma; Cities Service Gas Company.

12986; Banks District, Upshur County, West Virginia; Hope Natural Gas Company.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 5, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington.25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 29, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Skelly Oil Company, nonoperator, is filing for its interests in the production from the subject wells and is a signatory seller party to the ratification agreement dated November 12, 1956, of a basic contract dated May 1, 1956, between Trans-Tex Drilling Company, Seller, and Arkansas Louisiana Gas Company, Buyer. Trans-Tex has been authorized to sell gas under the basic contract in Docket No. G–10485. The subject ratification agreement has also been signed by Buyer.

[2] Sohio Petroleum Company is filing for its interests in the production from Minor and Johnson "B" Units which by ratification agreement dated November 2, 1956, Applicant dedicates to a basic gas sales contract dated August 22, 1955, between Hunt Oil Company, Seller, and Texas Eastern Transmission Corporation, Buyer.

[8] Earl Hardman, Attorney-in-Fact, is filing for Maxwell Gas Company, a partnership. Earl Hardman, Attorney-in-Fact, is the only signatory seller party to the gas sales contract dated July 3, 1956.

[4] Holly Nestor, Agent, is filing for Victor Brannon, Operator, and Duncan Gas Company, which company is a partnership composed of A. M. Straughan, K. E. Ward, Ralph W. Ward, Mrs. John E. Durham, Jr., George B. Ward, LeMoyne Ward, Lelia B. Carroll, L. A. Wilson, J. C. Wall, John S. Kounse, Willard Pushkin, Dr. A. E. Higginbotham, Raymond W. Halloran, Edith R. Halloran, Harry H. Huber, Tenice L. Huber, Nick J. Rongone, Mary R. Rongone, Gerald R. Arman, Rosemary J. Arman, Herman M. Miller, J. M. Moss, Louise Moss, John G. Davison, William E. Boggess, R. A. Darnall, Myrtle Darnall, R. F. Baker, L. V. Caudill, Ernest Nardella and Mountain Iron & Supply Company. Victor Brannon, Operator, is a signatory seller party to the gas sales contract dated November 29, 1956, and the above-named individuals and Anna Miller, who apparently is not a member of the partnership, are also signatory seller parties to the subject gas sales contract through the signature of Victor Brannon who has signed the contract as Attorney-in-Fact for said individuals.

[5] Holly Nestor, Agent, is filing for Victor Brannon, Operator, and J. A. Dye Heirs Gas Company which company is composed of A. E. Higginbotham, Everett Price, Mrs. Everett Price, Mary Eloise Smith, H. T. Dye, Mrs. T. D. Nichols, Helen Ward Harshman, Mrs. John E. Durham, Jr., K. E. Ward, George Ward, Le Moyne Ward, W. L. Crandall, Ethel Crandall, W. R. Munday, James Underwood, F. E. Keith, Mountain Iron & Supply Company, Mrs. French Ervin, John Moore, L. A. Wilson, J. C. Wall, Sterling Koons, Elva McCoy, Mrs. Joel Allen and Arthur Straughn. Victor Brannon and Anna Miller are signatory seller parties to the gas sales contract dated November 29, 1956, and the above-named individuals are also signatory seller parties to the subject contract through the signatures of Victor Brannon and Anna Miller who have signed the contract as Attorneys-in-Fact for said parties.

[6] Keith Hildreth Gas Company submitted a short form rate schedule filing pursuant to section 154.92 (c) of Order No. 174–B which did not include a copy of the gas sales contract nor is a copy of one required under said section 154.92 (c).

[7] M. F. Powers, Nonoperator, is filing for his interest in gas produced from the Webber "A" No. 1 Unit to be sold pursuant to an amendatory agreement dated December 18, 1956, which adds additional acreage to a basic contract dated September 24, 1951, as amended. Applicant authorized in Docket No. G–4815 to sell gas under the basic contract. Basic contract limits production to horizons above sea level.

[8] Amendment filed on October 16, 1957, reflects the fact that the contract of September 20, 1956, has been cancelled and in lieu thereof a contract dated August 9, 1957, covering the same properties, has been made by Applicant and Permian Basin Pipeline Company.

[9] William Gruenerwald, Operator, is filing for himself and on behalf of the following nonoperating owners of working interests: Mrs. Mabel Greene Myers; Illinois Testing Laboratories, Inc.; John A. Obermaier; Norman Obermaier; Raymond M. Sides; Mildred J. Sides; Walter Grahn; Seymour Waldman; and Irwin D. Harris. All except Mildred J. Sides, owner of 1/32 working interest and party to the operating agreement covering subject production, are signatory seller parties to the gas sales contract dated October 25, 1956.

[10] Si-Bo Oil Company is a partnership; two of the partners, B. O. Lilly and J. S. Fluor, are signatory seller parties to the gas sales contract dated June 13, 1956.

[11] B. O. Lilly, Operator, under an operating agreement dated May 1, 1955, is filing for himself and is the only signatory seller party to the gas sales contract dated June 14, 1956.

[12] Humble Oil & Refining Company, Nonoperator, is filing for its interest in the Lucket Unit and is a signatory seller party to the gas sale contract dated January 30, 1957, between Union Oil and Gas Corporation, et al., Sellers, and Tennessee Gas Transmission Company, Buyer.

[13] The Carter Oil Company, through its Agent, Midwest Oil Corporation, Operator, is filing for its interest in the Wurtsbaugh No. 1 Unit and is a signatory seller party to the ratification agreement dated August 30, 1956, which has also been signed by Midwest, Gilster, the Buyer, and others.

[14] Those parties comprising the "et al." are not indicated in the certificate application or the rate schedule filing.

[15] Bernard R. Hays, A. G. Anderson, Leonard Cain and G. F. Hedges, Jr., d. b. a. Rush Run Gas Company, are all signatory seller parties to the gas sales contract dated March 1, 1957.

[16] Carl Austin, Russell R. Perry and Robert Baranet, partners, d. b. a. Trail Gas Company, are signatory seller parties to the gas sales contract dated December 18, 1956. The subject contract contains the signatures of 31 additional seller parties, but there is no indication that the certificate application covers the interest of any except those individuals composing the partnership of Trail Gas Company.

[17] R. J. Braden is filing for himself and as agent for V. N. Holderman, Raymond C. Cook, Orland E. Cook and G. E. Gaston, partners. All of the above-named individuals comprise a mining partnership and all are signatory seller parties to the gas sales contract dated February 20, 1957.

[18] P. E. Anderson, d. b. a. Anderson Gas Company, is filing for himself and as agent for Robert Cummings, Clarissa Cashion, Tom Williams and C. Lyman. All are signatory seller parties to the gas sales contract dated March 26, 1957.

[19] B. E. Talkington is filing for himself and as Attorney-in-Fact for J. Boyd Burr, Dow H. Nida and/or Jane B. Nida, Albert J. Bolster, John C. and/or Edith I. Collins, Henry L. Christopher and/or Mabel S. Christopher, Troy A. Brady, Jr., and/or Anneliese S. Brady, Troy A. Brady and/or Lemmie E. Brady, S. D. Life and/or Bernice U. Life, C. K. Lynch and/or Mrs. Ruth Lynch, Paul K. Life and/or Mrs. Paul K. Life, Olive Life Reger, John S. Rockwell, Jr., and/or Pauline D. Rockwell, Jacob M. Huffman, Jr., and/or Dorothy B. Huffman, L. Dohr and/or Hildred Gay Marsh, C. L. Heinrich, and Amos T. and/or Cecilia M. Holland. All are signatory seller parties to the gas sales contract dated April 11, 1957, which contract has been signed by B. E. Talkington for himself and as Attorney-in-Fact for the above-named individuals.

[20] Fred Whitaker, Operator, is filing for himself and on behalf of Alto Tatum, Glen R. Johnson, John Fredric Whitaker, W. A. Hewell, W. H. Ray, J. W. Vandeveer, W. W. Vandeveer, N. E. Formby, W. D. McMahon, Fred Whitaker, and Vanson Production Corporation. All of the above co-owners are signatory seller parties to the gas sales contract involved herein. In addition, Kenneth J. Rich, Charles F. Seelbach, Jr., and William F. Seelbach have interest as shown in supplement filed September 20, 1957.

[21] A. S. Genecov (Trustee for Boyce Elton Genecov and Maurine Hannah Genecov), M. B. Rudman and Raymond A. Williams, Jr., are filing individually for their interests in the Rudman-Genecov Fee 4–B and 5–B Units. All co-owners are signatory seller parties to the gas sales contract involved herein.

[22] D. B. McConnell, Operator, is filing for himself and on behalf of H. Blume Johnson, H. M. Stephens, Rose Long McFarland, Rose McConnell Long, Palmer R. Long, Russell B. Long, Lyndon B. Allen and J. R. Butler. All co-owners are signatory seller parties to the gas sales contract dated April 23, 1957.

[23] E. C. Laster and Eugenia F. Laster are filing individually for the 18.3548 percent interest which each owns in the W. H. Hinton Unit No. 1. Both are signatory seller parties to the gas sales contract dated November 16, 1956.

[24] Universal Petroleum Corporation, Operator, is filing as agent for W. E. Brown, Jr., L. Slade Brown, John S. Brown, Charles E. Brown, Thomas S. Hargest, B. L. Morris, Vivian Leatherberry Smith, Trustee, and Slade Oil & Gas, Inc. The above-named parties, together with the percentage of interest of each, are listed in the application. It is noted that Universal Petroleum Corporation, Operator, owns no working interest. All co-owners are signatory sellers to the gas sales contract dated December 7, 1956.

[25] Alfred D. McKelvy, Operator, if filing for himself and on behalf of the following nonoperating owners of working interests in two separate gas units: C. Taylor Pillsbury; A. E. Ponting and Ruthmarie L. Ponting; C. E. Meek; R. L. Vaughan; B. W. Ford; Edward Martin and B. S. Kempert. In addition, Operator is also filing for himself and on behalf of the following nonoperating owners of working interests in a third gas unit: A. E. Ponting and C. E. Meek; B. W. Ford; Edward Martin and B. S. Kempert. Apparently Alfred D. McKelvy, Operator, owns the remaining working interest in each of the subject gas units and is the only signatory seller party to the gas sales contract dated March 20, 1957.

[26] Phillips Petroleum Company, Operator, is filing for itself and on behalf of the following owners of working interests: Phillips Petroleum Company; Champlin Oil & Refining Company; Royal Gas Corporation; The Superior Oil Company; Keener Oil Company; and Sunray Mid-Continent Oil Company. All except Sunray are signatory seller parties to a gas sales contract dated July 10, 1957. Sunray negotiated a separate contract and filed in Docket No. G–12959 for authorization to sell its share of the gas from the subject unit.

[27] Philip Lemon is filing for himself and as agent for the following parties: Ethel Harden; J. O. Sharp; M. W. Boylan; L. Kemp Steinbeck; D. F. Ford; J. Paul Harr; Harry C. Tumey; Ada G. Calift; Edward M. Bennett; Ralph M. Shahan; Cecil W. Phillips, Jr.; R. V. Collins; Mrs. Elizabeth Collins; and H. B. Layfield, all of whom together compose a partnership. Philip Lemon is a signatory seller party to the gas sales contract dated June 25, 1957, and the remaining above-named individuals are also signatory seller parties to the subject contract through the signature of Philip Lemon who has also signed the contract as Attorney-in-Fact for said individuals.

[28] R. & H. Gas Company is a partnership composed of 33 individuals. Dr. W. S. Rowan and Paul Hinchman, members of the partnership, are signatory seller parties to the gas sales contract dated July 17, 1957. The other 31 members of the partnership are signatory seller parties to the subject contract through the signatures of Rowan and Hinchman who have also signed the contract as Attorneys-in-Fact for said individuals.

[F. R. Doc. 57–9404; Filed, Nov. 13, 1957; 8:50 a. m.]

[Docket Nos. G-12725; G-12844]

GREENBRIER OIL CO. AND GENERAL MINERALS CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 7, 1957.

Take notice that Greenbrier Oil Company[1] (Greenbrier), in Docket No. G-12725, and General Minerals Corporation (General Minerals), in Docket No. G-12844, filed separate applications on June 13, 1957, and July 5, 1957, respectively, pursuant to section 7 of the Natural Gas Act, for permission to abandon and authority to render natural gas service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

The respective applications seek authority for:

(1) Greenbrier to abandon service to Texas Gas Transmission Corporation (Texas Gas) from the Daigle and Ledoux leases located in the North Elton Field, Allen Parish, Louisiana, which service, among others, was authorized on May 31, 1956, in Docket No. G-4581. Said service is covered by a contract dated July 5, 1950.

(2) General Minerals to continue the service to Texas Gas proposed to be abandoned by Greenbrier.

By instrument of assignment dated May 30, 1957, effective as of April 1, 1957, General Minerals acquired the interest of Greenbrier in the aforesaid leases, subject, among other things, to the contract of July 5, 1950, with Texas Gas and to a production payment reserved by Assignor but subsequently sold to Sentinel Oil Company, Inc.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 11, 1957 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* that the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 29, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9405; Filed, Nov. 13, 1957; 8:50 a. m.]

[1] A co-partnership consisting of William Hamm, Jr., Marie Hamm Ankeny, Margaret Hamm Kelley, Theodore Hamm Lang, DeWalt H. Ankeny, James E. Kelley, William H. Lang, and Joseph A. Maun.

[Docket No. G-8792]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 7, 1957.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at Omaha, Nebraska, filed an application on April 25, 1955, and supplements thereto on July 11, 1955, and February 24, 1956, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the continued operation of existing facilities, for the transportation and sale of gas in interstate commerce produced from North Hutchinson Field, Hutchinson County, Texas; Glenwood Northeast Field, Beaver County, Oklahoma; McKinney Field, Clark County, Kansas; Ashland Field, Clark County, Kansas; Embry Field, Edwards County, Kansas, to existing customers for resale, as well as for sale and distribution by Applicant, and to construct and operate facilities to the Pleasant Valley Field in Ford County, Kansas, all subject to the jurisdiction of the Commission as more fully stated in the application, and supplements thereto, on file with the Commission and open to public inspection.

Applicant represents that the facilities for which it seeks authorization for continued operation were all constructed and placed in operation by April 24, 1954, except the Embry Field, where a 4½ inch pipeline was completed April 14, 1955. These facilities are:

North Hutchinson Field. 8,700 feet of 6⅝ inch O. D. line joining Applicant's 16-inch main line; 200 feet of 4½ inch O. D. line, and two 4-inch meter settings; 3,875 feet of 4½ inch O. D. line, and one 4-inch meter setting; all existing in Hutchinson County, Texas.

Glenwood Northeast Field. 667 feet of 4½ inch O. D. line and a 4-inch meter setting, in Beaver County, Oklahoma.

McKinney Field. 17,621 feet of 8⅝ inch O. D. line joining Applicant's 24-inch main line; 7,336 feet of 6⅝ inch O. D. line; 2,660 feet of 4½ inch O. D. line, and a 4-inch meter setting, beginning at a point on the above 8⅝ inch line of Applicant; 3,510 feet of 4½ inch O. D. line and a 4-inch meter setting beginning at a point on the above 6⅝ inch line and extending westerly; 2,127 feet of 4½ inch O. D. line and a 4-inch meter setting extending easterly from the same 6⅝ inch line. These lines for the McKinney Field are all in Clark County, Kansas.

Ashland Field. 813 feet of 4½ inch O. D. line in Clark County, Kansas.

Embry Field. 1,400 feet of 4½ inch O. D. line and a 4-inch meter setting joining Applicant's 26-inch main line in Edwards County, Kansas.

Authorization is also sought to construct and operate facilities to a sixth field, known as the Pleasant Valley Field, in Ford County, Kansas. These facilities will consist of approximately 1,400 feet of 4½-inch O. D. pipeline with a 4-inch meter setting joining Applicant's 26-inch mainline in Edwards County, Kansas.

Applicant estimates the total cost of facilities already constructed is $154,383; and of construction to be placed in operation in the Pleasant Valley Field at $25,800.

The Commission granted Applicant temporary authorization for the requested continuation of service and construction on March 30, 1956.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 5, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 29, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9406; Filed, Nov. 13, 1957; 8:51 a. m.]

[Docket Nos. G–10515, G–10767]

F. A. CALLERY, INC., AND TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 7, 1957.

Take notice that F. A. Callery, Inc.[1] (Callery) and Texas Illinois Natural Gas Pipeline Company (Texas Illinois) filed separate applications, pursuant to section 7 of the Natural Gas Act, for authority to sell natural gas and the construction and operation of certain facilities to receive natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications, which are on file with the Commission and open to public inspection.

On July 17, 1956, Texas Illinois filed in Docket No. G–10767 an application for a certificate of public convenience and necessity authorizing the construction and operation of approximately 6½ miles of 6–inch lateral supply pipeline to extend from a point on Texas Illinois' existing Chocolate Bayou supply lateral line in Brazoria County, Texas, to a point in the Bailey's Prairie Field, Brazoria County, Texas, together with a tap connection on the Chocolate Bayou lateral and a meter station at the terminus of the proposed lateral. These proposed facilities will receive gas produced in the Bailey's Prairie Field by Callery. Estimated total cost of the proposed facilities is $150,700. The cost is to be financed from company funds.

On June 4, 1956, Callery filed in Docket No. G–10515 an application for a certificate of public convenience and necessity covering the above sale of gas to Texas Illinois from the Bailey's Prairie Field, to be made pursuant to a contract dated May 1, 1956.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 10, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the Procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

[1] Callery is agent for 31 co-owners as listed in the certificate application, Docket No. G–10515. Callery filed the subject application for the said co-owners. Frances A. Callery, one of the co-owners, is sole seller signatory party to the contract involved.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 29, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

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

[F. R. Doc. 57–9407; Filed, Nov. 13, 1957; 8:51 a. m.]

[Docket Nos. G–12914, G–13138]

PERMIAN BASIN PIPELINE CO. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 7, 1957.

In the matters of Permian Basin Pipeline Company, Docket No. G–12914; George T. Abell, William B. Neely, and Roy M. Teel, Operator, Docket No. G–13138.

Take notice that Permian Basin Pipeline Company (Permian), and George T. Abell, William B. Neely, and Roy M. Teel (Abell, Neely and Teel), filed applications, pursuant to section 7 of the Natural Gas Act, for authority to construct and operate certain natural gas facilities to receive natural gas and to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

On July 17, 1957, Permian filed, in Docket No. G–12914, an application for a certificate of public convenience and necessity authorizing the construction and operation of approximately 26.8 miles of 10-inch lateral pipeline. This line will extend from a point on Permian's existing 20-inch transmission line in Pecos County, Texas, to a proposed measuring station to be located at the Imperial Plant No. 2, owned and operated by Abell, Neely and Teel. The facilities are proposed to enable Permian to purchase and receive residue gas from Abell, Neely and Teel at the outlet side of their Imperial No. 2 gasoline plant. The estimated cost of the proposed facilities is $787,100, which cost is to be financed by short term borrowing from Northern Natural Gas Company (Northern), Permian's affiliate.

On August 26, 1957, as supplemented September 13, 1957, Abell, Neely and Teel filed, in Docket No. G–13138, a certificate application covering the above sale to Permian.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 11, 1957 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW, Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the Procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 29, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

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

[F. R. Doc. 57–9408; Filed, Nov. 13, 1957; 8:51 a. m.]

FEDERAL RESERVE SYSTEM

NORTHWEST BANCORPORATION

ORDER DENYING APPLICATION FOR ACQUISITION OF VOTING SHARES OF NORTHWESTERN STATE BANK

In the matter of the application of Northwest Bancorporation for approval of acquisition of voting shares of proposed Northwestern State Bank, Rochester, Minnesota.

There having come before the Board the application of Northwest Bancorporation, Minneapolis, Minnesota, dated March 29, 1957, under section 3 (a) (2) of the Bank Holding Company Act of 1956, for prior approval of the acquisition by it of direct ownership of 1,450 voting shares of a total of 1,500 voting shares of Northwestern State Bank, Rochester, Minnesota, a proposed new institution, and it appearing, after due consideration thereof pursuant to the requirements of the Bank Holding Company Act of 1956, that such application should be denied;

It is ordered, That the application of Northwest Bancorporation, Minneapolis, Minnesota, under section 3 (a) (2) of the Bank Holding Company Act of 1956, for the Board's prior approval of the acquisition by Northwest Bancorporation of direct ownership of 1,450 voting shares of a total of 1,500 voting shares of Northwestern State Bank, Rochester, Minnesota, a proposed new institution, shall be, and the same hereby is, denied.

Dated: November 5, 1957.

By order of the Board of Governers.

[SEAL] S. R. CARPENTER, *Secretary.*

[F. R. Doc. 57–9391; Filed, Nov. 13, 1957; 8:48 a. m.]

BAYSTATE CORPORATION

ORDER GRANTING APPLICATION FOR ACQUISITION OF VOTING SHARES OF UNION TRUST COMPANY OF SPRINGFIELD

In the matter of the application of Baystate Corporation for approval of acquisition of voting shares of Union Trust Company of Springfield.

The above matter having come before the Board on the application of Baystate Corporation, Boston, Massachusetts, dated March 28, 1957, filed pursuant to the provisions of section 3 (a) (2) of the Bank Holding Company Act of 1956, for prior approval of the acquisition of up to 60 percent of the voting shares of Union Trust Company of Springfield, Springfield, Massachusetts, and it appearing after due consideration thereof pursuant to the requirements of the Bank Holding Company Act of 1956 that such application should be approved,

It is ordered, That the said application of Baystate Corporation under section 3 (a) (2) of the Bank Holding Company Act of 1956 for the Board's prior approval of the acquisition by Baystate Corporation of up to 60 percent of the voting shares of Union Trust Company of Springfield is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated: November 7, 1957.

By order of the Board of Governors.[1]

[SEAL] S. R. CARPENTER, *Secretary.*

[F. R. Doc. 57-9392; Filed, Nov. 13, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 16]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 8, 1957.

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

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

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

MOTOR CARRIERS OF PROPERTY

No. MC-3379 (Deviation No. 1), SNYDER BROS. MOTOR FREIGHT, INC., P. O. Box 830, Akron 9, Ohio, filed October 16, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route, between junction U. S. Highway 60 and Virginia Highway 168 at or near Newport News, Va., and junction U. S. Highway 60 and Virginia Highway 168 about two miles north of Toano, Va., as follows: from junction U. S. Highway 60 and Virginia Highway 168 over Virginia Highway 168 to junction U. S. Highway 60 at a point about two miles north of Toano, Va., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Richmond, Va., and Newport News, Va., over U. S. Highway 60.

No. MC-9942 (Deviation No. 1), HALL FREIGHT LINES, INC., 12-18 College Street, Danville, Ill., filed October 28, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route, between Milwaukee, Wis., and Peoria, Ill., as follows: from Milwaukee over Wisconsin Highway 36 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction U. S. Highways 66 and 24, thence over U. S. Highways 66 and 24 to Peoria 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 Milwaukee, Wis., and Peoria, Ill., over the following pertinent route: from Milwaukee over Wisconsin Highway 36 to Durham, Wis., thence over U. S. Highway 45 to junction U. S. Highway 45 and Illinois Highway 21 north of Libertyville, Ill., thence over Illinois Highway 21 to Chicago, Ill., thence over U. S. Highway 66 to junction U. S. Highway 24, thence over U. S. Highway 24 to Peoria.

No. MC-111231 (Deviation No. 4), JONES TRUCK LINES, INC., 514 East Emma Avenue, Springdale, Ark., filed November 1, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route, between Claremore, Okla., and Arkansas City, Kans., as follows: from Claremore over Oklahoma Highway 20 to Collinsville, Okla., thence over U. S. Highway 75 to the junction of U. S. Highway 166, thence over U. S. Highway 166 to Arkansas City and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Claremore, Okla., and Arkansas City, Kans., over the following pertinent route: from Claremore over U. S. Highway 66 to Tulsa, Okla., thence over Oklahoma Highway 11 to Pawhuska, Okla., thence over U. S. Highway 60 to junction of U. S. Highway 77, thence over U. S. Highway 77 to Arkansas City.

MOTOR CARRIERS OF PASSENGERS

No. MC-1501 (Deviation No. 4), THE GREYHOUND CORPORATION, (Western Greyhound Lines Division), Market and Fremont Streets, San Francisco 5, Calif., filed November 4, 1957. Attorney for said carrier, Earl A. Bagby, 221 Pine Street, San Francisco, Calif. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over 2 deviation routes (A) between Anthony, N. Mex., and junction U. S. Highway 80 and New Mexico Highway 478 south of Las Cruces, N. Mex., as follows: from Anthony over U. S. Highway 80 to junction New Mexico Highway 478 (connects with Texas route 1); and (B) between junction New Mexico Highway 478 and U. S. Highway 80 south of Las Cruces, N. Mex., and junction U. S. Highway 80 and unnumbered highway west of Las Cruces, as follows: from junction New Mexico Highway 478 and U. S. Highway 80, over U. S. Highway 80 to junction unnumbered highway west of Las Cruces; 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 between the Texas-New Mexico State line at Anthony, N. Mex., and the New Mexico-Arizona State line east of Duncan, Ariz., as follows: from the point where New Mexico Highway 478 contacts the Texas-New Mexico State line, over New Mexico Highway 478 to Las Cruces, N. Mex., thence over unnumbered highway to junction U. S. Highway 80 west of Las Cruces, thence over U. S. Highway 80 to Lordsburg, N. Mex., thence over U. S. Highway 70 to the New Mexico-Arizona State line.

By the Commission.

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

[F. R. Doc. 57-9395; Filed, Nov. 13, 1957; 8:48 a. m.]

[Notice 190]

MOTOR CARRIER APPLICATIONS

NOVEMBER 8, 1957.

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

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

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1470 (Sub No. 5), filed November 4, 1957, COLUMBUS AND CHICAGO MOTOR FREIGHT, INCORPORATED,

[1] Voting for this action: Chairman Martin, Vice Chairman Balderston, and Governors Vardaman and Mills; voting against this action: Governors Szymczak, Robertson, and Shepardson.

1053 East Fifth Avenue, Columbus, Ohio. Applicant's attorney: Taylor C. Burneson, 3510 Leveque-Lincoln Tower, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, alcoholic liquors, commodities in bulk, and commodities requiring special equipment, serving the site of the Hotpoint Company plant located in Cook County, Ill., approximately 2 miles west of the Chicago, Ill., Commercial Zone, bounded on the south by Devon Avenue, on the west by Tonne Road, on the north by Landmeir Road and on the east by Busse Road, as an off-route point in connection with applicant's authorized regular route operations from and to Chicago, Ill.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 2510 (Sub No. 23), filed November 4, 1957, ZIFFRIN TRUCK LINES, INC., 1120 South Division Street, Indianapolis 6, Ind. Applicant's attorney: Eugene L. Cohn, 1 North La Salle Street, Chicago 2, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except livestock, Class A and B explosives, inflammable articles, commodities in bulk and those of unusual value, serving the site of the Hotpoint Company plant (Division of General Electric Company) located between Tonne Road on the west, Landmeir Road on the north, Busse Road on the east and Devon Avenue on the south, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 9942 (Sub No. 12), filed November 4, 1957, HALL FREIGHT LINES, INC., 12–18 College Street, Danville, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, and the site of the Centex Industrial Center, located between Devon Avenue on the south, Busse Road on the west, Landmeir Road on the north and Elmhurst Road on the east, both in Cook County, Ill., as off-route points in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 13925 (Sub No. 4), filed November 1, 1957, MOUND CITY FORWARDING CO., INCORPORATED, 1517 North 15th Street, St. Louis, Mo. Applicant's attorney: G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis 2, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Hotpoint Company plant located in Cook County, Ill., approximately 2 miles west of the commercial zone of Chicago, Ill., as an off-route point in connection with applicant's authorized operations in Certificate No. MC 13925.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 19201 (Sub No. 102), filed October 31, 1957, PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, Harrisburg, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including commodities in bulk, commodities requiring special equipment and those of unusual value*, and except Class A and B explosives and household goods as defined by the Commission, in service auxiliary to, or supplemental of rail service of The Pennsylvania Railroad Company, (1) between junction Pennsylvania Highways 100 and 83 southwest of Pottstown, Pa., and junction Pennsylvania Highway 83 and unnumbered highway west of Spring City, Pa.: from junction Pennsylvania Highways 100 and 83 southwest of Pottstown over Pennsylvania Highway 83 to junction unnumbered highway west of Spring City, and return over the same route, serving intermediate points which are stations on the rail line of The Pennsylvania Railroad Company and serving said junction for purposes of joinder only; (2) between Spring City, Pa., and Royersford, Pa.: from Spring City over unnumbered highway to Royersford, and return over the same route, serving no intermediate points; (3) between Phoenixville, Pa., and Devault, Pa.: from Phoenixville over Pennsylvania Highway 29 to junction unnumbered highway, thence over unnumbered highway to Devault, and return over the same route, serving intermediate points which are stations on the rail line of The Pennsylvania Railroad Company; (4) between Pottstown, Pa., and Mont Clare, Pa.: from Pottstown over U. S. Highway 422 to Collegeville, Pa., thence over Pennsylvania Highway 29 to Mont Clare, and return over the same route, serving no intermediate points and serving Mont Clare for purposes of joinder only; and (5) between junction U. S. Highway 422 and unnumbered highway near Limerick, Pa., and Royersford, Pa.: from junction U. S. Highway 422 and unnumbered highway near Limerick over said unnumbered highway to Royersford, and return over the same route, serving no intermediate points and serving said junction for purposes of joinder only. Applicant is authorized to conduct operations principally in Pennsylvania, Ohio, Indiana and West Virginia, and with the exception of its "grandfather" rights, the service is restricted to that which is auxiliary to or supplemental of rail service of The Pennsylvania Railroad Company or The Monongahela Railway Company.

NOTE: Dual operations or common control may be involved.

HEARING: December 17, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner David Waters.

No. MC 31444 (Sub. No. 43), filed November 6, 1957, SCHREIBER TRUCKING CO., INC., 1315–1399 Washington Boulevard, Pittsburgh, Pa. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 48213 (Sub No. 11), filed October 25, 1957, C. E. LIZZA, INC., Ligonier and Depot Streets, Latrobe, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Explosives*, (not including flammable liquids), *blasting supplies*, and *equipment incidental to the use of the above-specified commodities*, from the sites of the American Cyanamid Company plants, near New Castle, Emporium, and Latrobe, Pa., to points in Colorado and Utah; and (2) *Damaged, rejected or returned shipments* of the above-specified commodities, *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, and *returnable equipment*, from points in Colorado and Utah to the sites of the American Cyanamid Company plants near New Castle, Emporium, and Latrobe, Pa. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: December 13, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Dallas B. Russell.

No. MC 49387 (Sub No. 10), filed November 4, 1957, ORSCHELN BROS. TRUCK LINES, INC., 512 Pickwick Building, Moberly, Mo. Applicant's attorney: G. M. Rebman, 2130 Boatmen's Bank Building, St. Louis 2, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A

and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, serving the site of the Hotpoint Company plant, in Cook County, Ill., located approximately 2 miles west of the Chicago, Ill. Commercial Zone, as an off-route point in connection with applicant's authorized operation in Certificate No. MC 49387 and related sub-numbers thereunder.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 52110 (Sub No. 65), filed October 31, 1957, BRADY MOTOR-FRATE, INC., 12th Floor, Register and Tribune Building, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, 510 Central Nat'l. Building, Des Moines 9, Iowa. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 55874 (Sub No. 18), filed November 1, 1957, INDEPENDENT TRUCKERS, INC., 4684 Leavenworth Street, Omaha 6, Nebr. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, 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 (other than those requiring refrigeration), serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago, Ill., Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 58961 (Sub No. 4), filed November 1, 1957, NIGHTHAWK FREIGHT SERVICE, INC., 1800 South Canal Street, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 59474 (Sub No. 4), filed November 1, 1957, DAUM OVER-NITE EXPRESS, INC., 924 East Ohio Street, Indianapolis, Ind. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular-route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 59507 (Sub No. 5), filed October 31, 1957, EDGAR H. ALLEN & SON, INC., 825 Fairfield Avenue, Kenilworth, N. J. Applicant's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wooden poles* and *wooden piling*, between Newport, Del., and Philadelphia, Pa. Applicant is authorized to transport similar commodities in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

HEARING: December 17, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alvin H. Schutrumpf.

No. MC 83539 (Sub No. 30), filed October 25, 1957, C & H TRANSPORTATION CO., INC., 1935 Commerce Street, P. O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Tractors* (other than truck tractors) *tractor tool bars* and *tractor attachments*, (2) *Contractors' equipment* and *contractors' equipment attachments*, (3) *Construction machinery* and *equipment* as defined by the Commission in Appendix VIII to MC 45, 61 M. C. C. 286, (4) *internal combustion, radial, rocket, nuclear powered and jet propulsion engines*, and *accessories*, with or without electrical generators attached, and *empty containers*, (5) *cranes, derricks, lift trucks* and *attachments*, (6) *motor vehicles* (other than conventional autos) inoperative and not loaded under their own power, (7) *logging and mining machinery, equipment and attachments*, (8) *conex, seal bins*, and *plastic* or *metal containers*, empty or fully loaded (except when loaded with household goods as defined by the Commission), (9) *heavy machinery* and *attachments*, (10) *commodities*, the loading, unloading or transportation of which, because of size, weight, or shape, require the use of special equipment, special rigging, or special handling, (11) *parts and accessories* of commodities described in Items 1 through 11 (inclusive) above, (12) *machinery equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, not including the stringing or picking up of pipe in connection with pipelines, and (13) *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, except the stringing or picking up of pipe in connection with main or trunk pipelines, between points in Oklahoma, Kansas, Texas, Nebraska, New Mexico, and Colorado, on the one hand, and, on the other, points in Washington, Oregon, and Idaho.

HEARING: December 13, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 103993 (Sub No. 99), filed October 7, 1957, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Alabama to points in the United States, except to Mt. Clemens, Detroit, and Flint, Mich. Applicant is authorized to transport similar commodities throughout the United States.

HEARING: November 27, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Examiner Charles H. Riegner.

No. MC 104347 (Sub No. 126), filed October 24, 1957, LEAMAN TRANSPORTATION CORPORATION, 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Neville Island, Pa., to points in Erie and Niagara Counties, N. Y. Applicant is authorized to transport similar commodities in Connecticut, Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: December 13, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner C. Evans Brooks.

No. MC 106398 (Sub No. 90), filed October 7, 1957, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road (P. O. Box 896, Dawson Station), Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For author-

ity to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Alabama to points in the United States, except to Mt. Clemens, Detroit, and Flint, Mich. Applicant is authorized to transport Trailers throughout the United States.

HEARING: November 27, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Examiner Charles H. Riegner.

No. MC 107403 (Sub No. 248), filed October 28, 1957, E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811 Lewis Tower Bldg., 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Neville Island, Pa., to points in Erie and Niagara Counties, N. Y. Applicant is authorized to transport the commodities specified in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: December 13, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner C. Evans Brooks.

No. MC 108461 (Sub No. 56), filed August 1, 1957, WHITFIELD TRANSPORTATION, INC., P. O. Box 1350, W. Amador St., Las Cruces, N. Mex. Applicant's attorney: Loyal G. Kaplan, 924 City Nat'l. Bank Building, Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement* and *cement ad-mixes*, in bulk, in hopper-type vehicles, from Grantsville, Utah and the railheads of Marysvale, Milford and Cedar City, Utah, to Glenn Canyon Dam Site, Ariz. Applicant is authorized to transport cement, in bulk, from specified points in Colorado, Arizona, Texas, and Utah to points in New Mexico, and between points in New Mexico.

HEARING: January 27, 1958, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 48, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 111401 (Sub No. 82), filed July 2, 1957, GROENDYKE TRANSPORT, INC., 2204 North Grand, Enid, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Oklahoma, on the one hand, and, on the other, points in Arizona, points in New Mexico on and south of U. S. Highway 66, and points in that part of Texas bounded on the north by U. S. Highway 66, and on the east by U. S. Highway 83, serving points on the portions of the highways specified. Applicant is authorized to transport similar commodities in Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

HEARING: December 18, 1957, at the Federal Building, Oklahoma City, Okla., before Examiner Mack Myers.

No. MC 112173 (Sub No. 10) (CORRECTION) published issue October 30, 1957 at page 8757, filed August 5, 1957, BOYD E. RICHNER, INC., 404 Third Avenue, Durango, Colo. Applicant's attorney: John H. Lewis, The 1650 Grant St. Building, Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Soda ash*, from the site of the Westvaco Plant near Green River, Wyo., to points in Colorado on and west of the Continental Divide and points in New Mexico within 50 miles of Grants, N. Mex. Applicant is authorized to conduct operations in Colorado, Wyoming and Utah. The previous notice contained a note to the effect that authority will be restricted against serving any points located on existing railheads. This was in error. The proposed service will not be restricted against serving any points located on existing railheads.

HEARING: Remains as assigned January 17, 1958, at the New Customs House, Denver, Colo., before Examiner Harold W. Angle.

No. MC 115491 (Sub No. 8), filed November 4, 1957, COMMERCIAL CARRIER CORPORATION, 502 East Bridges Avenue, Auburndale, Fla. Applicant's attorney: William P. Tomasello, 120 East Davidson Street, Bartow, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vitrified clay sewer pipe* and *related articles*, such as clay flue linings, clay stove pipe, clay wall coping and other clay products, from points in that portion of Ohio east of U. S. Highway 42 from Cleveland, Ohio to Delaware, Ohio, thence U. S. Highway 23 from Delaware to Portsmouth, Ohio, to points in Florida. *Damaged or rejected shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations from and to specified points in Florida, Iowa, Nebraska, Missouri, Kansas, Minnesota, and Ohio.

HEARING: December 13, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allan F. Borroughs.

No. MC 116823 (Sub No. 1), filed October 28, 1957, KARL A. JOHNSON, doing business as JOHNSON'S MARINE SERVICE, Belgrade Lakes, Maine. Applicant's attorney: Douglas M. Morrill, 317 Water Street, Augusta, Maine. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wooden boats*, up to 22 feet in length, from Thomaston, Rockport and Old Town, Maine, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey; and from Pleasantville, N. Y., to South Berwick, Maine.

NOTE: Applicant states the operations will be performed from the sites of the plants of F. M. Cornell & Son, Inc., the Penobscot Boat Works, Inc., and the Duratech Manufacturing Company.

HEARING: December 16, 1957, at the Federal Building, Portland, Maine, before Examiner Lawrence A. Van Dyke.

No. MC 116926 (CORRECTION) filed September 13, 1957, THOMAS PATTERSON, INC., 220 Roosevelt Avenue, Carteret, N. J., published page 8762, issue October 30, 1957. Applicant's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Gasoline, lubricating oil* and *flammable chemicals*, in bulk, in tank vehicles, between points in Bergen, Essex, Hudson, Middlesex, Passaic and Union Counties, N. J., on the one hand, and, on the other, New York, N. Y., and points on Long Island, N. Y.

HEARING: Remains as assigned December 12, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 230), filed October 29, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Frederick M. Broadfoot, Public Service Coordinated Transport (same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, (1) between Atlantic City, N. J., and Ocean City, N. J., from Atlantic City over unnumbered highways through Ventnor, Margate City and Longport to Ocean City, and return over the same route, serving all intermediate points; (2) within Somers Point, N. J., from junction of Garden State Parkway and Garden State Parkway Interchange Road No. 30 over Garden State Parkway Interchange Road No. 30 to New Jersey Highway No. 52, and return over the same route, serving all intermediate points; (3) between Marmora, N. J., and Ocean City, N. J., from junction Garden State Parkway Interchange No. 25 over the Garden State Parkway Interchange No. 25 to junction County Road No. 585, and thence over County Road No. 585 to Ocean City, and return over the same route, serving no intermediate points; (4) within Upper Township (Seaville), N. J., from junction Garden State Parkway and Garden State Parkway Interchange Road No. 20 over Garden State Parkway Interchange Road No. 20 and unnumbered highway to Seaville, and return over the same route, serving all intermediate points; (5) within Dennis Township (Ocean View), N. J., from junction Garden State Parkway and Garden State Parkway Interchange No. 17 over Garden State Parkway Interchange Road No. 17 to unnumbered highway, and return over the same route, serving all intermediate points; (6) within Middle Township (Cape May Court House), N. J., from junction Garden State Parkway and Garden State Parkway Interchange No. 10 over Garden State Parkway Interchange No. 10 to unnumbered highway, and return over the same route, serving all intermediate points; and (7) within Middle Township (Rio Grande), N. J., from junction Garden State Parkway and Garden State Parkway Interchange No.

4 over Garden State Parkway Interchange No. 4 to New Jersey Highway No. 47, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Virginia, Maryland, Delaware, the District of Columbia, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

HEARING: December 2, 1957, at the Penn Atlantic Hotel, 1219 Backrack Boulevard, Atlantic City, N. J., before Joint Board No. 119.

No. MC 116921 (CORRECTION) filed September 9, 1957, WEST FORDHAM TRANSPORTATION CORP., 417 West 203d Street, New York City, N. Y. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N. J. A summary of the subject application was published in the FEDERAL REGISTER of October 30, 1957, on pages 8764–8765. The route description of the return portion of Route (1) was incorrectly described and appears on page 8765, lines 59 through 65, of the notice of filing which reads: "thence over U. S. Highway 1 to the Greenwich-Stamford boundary line, thence continuing over U. S. Highway 1 to its junction with Chatsworth Avenue in Larchmont, N. Y., over the before-described route between said points," Correctly stated, the proposed operation with regard to this portion of the authority sought reads: "thence over U. S. Highway 1 to the Greenwich-Stamford boundary line; thence continuing from the Greenwich-Stamford boundary line to the junction of U. S. Highway 1 and Chatsworth Ave., in Larchmont, N. Y., over the before described route between said points;".

HEARING: Remains as assigned December 9, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12668, filed October 14, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N. J. For a license (BMC 5) to engage in operations as a *broker* at Newark, Jersey City, Atlantic City, Fort Dix, and McGuire Air Force Base, N. J., in arranging for the transportation of *Passengers and groups of passengers, and their baggage and express,* between points in the United States. Applicant is authorized to conduct passenger operations under Certificate No. MC 3647 and sub numbers thereunder in New York and New Jersey.

HEARING: December 17, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 119.

PETITIONS AND MOTIONS

No. MC 30319, PETITIONS TO REOPEN PROCEEDING AND MODIFY RESTRICTIONS, filed September 18, 1957 and October 18, 1957 respectively, by Edwin N. Bell, 1600 Esperson Building, Houston 2, Texas. Attorney for petitioner, SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto, P. O. Box 4054, Houston, Texas. (1) The petition dated September 18, 1957, seeks modification of a restriction which applies to the operations authorized in Certificate MC 30319, issued February 13, 1956. The specific operations which are the subject of this petition are set forth in the Sixth Route on Sheet 3 of the Certificate authorizing service at Rusk, Maydelle, and Palestine, Tex., over U. S. Highway No. 84. These points are presently located on the Texas and New Orleans Railroad. The restriction which applies to these operations presently reads:

The carrier shall not render any service to or from any point not a station on the line of the railroad * * *

In proceeding F. D. 19599 now pending before the Commission, the Texas and New Orleans Railroad seeks to abandon its line between Rusk and Palestine, via Maydelle, Texas. If this abandonment is accomplished, Rusk, Maydelle, and Palestine, Texas, will no longer be on said railroad. And the above described restriction would prevent petitioner herein from continuing to render interstate service for patrons of long-standing at Rusk, Maydelle, and Palestine, Texas. As a remedy for this problem petitioner prays the Commission reopen MC 30319 and modify the described restriction so that same would hereafter provide:

The carrier shall not render any service to or from any point not a station on the line of the railroad, except Rusk, Maydelle and Palestine, Texas.

The petition is accompanied by a MOTION FOR LEAVE TO FILE PETITION FOR REOPENING. (2) The petition dated October 18, 1957, seeks modification of a restriction which applies to the operations authorized in Certificate MC 30319, issued February 13, 1956. The specific operations which are the subject of this petition are set forth in the Seventh Route on Sheet 4 of the Certificate authorizing service between Kaufman and Greenville, Texas, over State Highways 34 and 24, via Terrell, Quinlan, and Greenville, Texas. Other intermediate points on the route are Cash and Harlow, Texas (Cartwright, Brin, and Hetty no longer exist as shipping and receiving points). These points are presently located on the Texas and New Orleans Railroad. The restriction which applies to these operations presently reads:

The carrier shall not render any service to or from any point not a station on the line of the railroad. * * *

In proceeding F. D. 19839 now pending before the Commission, the Texas and New Orleans Railroad seeks to abandon its line between Kaufman and Greenville, Texas. If this abandonment is accomplished the points named above will no longer be on such railroad. Petitioner, however, desires to continue serving its patrons located at those points, as it has in the past. As a remedy for this problem petitioner prays the Commission reopen MC 30319 and modify the described restriction so that same would hereafter provide:

The carrier shall not render service to or from any point not a station on the line of the Railroad, except Terrell, Quinlan, Cash, Harlow and Greenville, Texas.

The petition is accompanied by a MOTION FOR LEAVE TO FILE PETITION FOR REOPENING.

No. MC 62189, CHARLES F. HARTUNG, doing business as B. & H. TRANSFER, 227 Coal Street, Lehighton, Pa. Applicant's representative: Albert E. Enoch, 556 Main Street, Bethlehem, Pa. PETITION FOR RECONSIDERATION, CORRECTION, CLARIFICATION OR REVISION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY MC 62189. By petition dated August 28, 1957, petitioner states that since prior to 1934 and up to the present time, he has been transporting between points for which he has authority to operate, dresses, pajamas, etc., both on hangers and in packaged, under the generic heading contained in Certificate MC 62189 dated March 19, 1941. The authority here at issue is set forth in said Certificate as follows:

Drugs, shoes, textile products, and *materials, supplies, machinery,* and *equipment,* used or useful in the manufacture and distribution of textile products.

The transportation of which is authorized over specified regular routes, between Hazelton, Pa., and Easton, Pa.; between Bath, Pa., and Bethlehem, Pa.; and between Easton, Pa., and New York, N. Y. serving all intermediate points and specified off-route points. Petitioner is of the opinion that he has authority under the above commodity description to transport clothing and wearing apparel and component parts used in the manufacture thereof, as described in Appendix X to Descriptions in Motor Carrier Certificates, 61 M. C. C. 209, and requests the Commission reopen the proceeding MC 62189 for reconsideration for the purpose of correcting, clarifying and revising the commodity description in certificate of public convenience and necessity MC 62189, to read as follows:

Drugs, shoes, textile products and materials, and *clothing* and *wearing apparel* and *component parts used in the manufacture thereof,* as described in Appendix X to Descriptions in Motor Carrier Certificates, 61 M. C. C. 209, *supplies, machinery* and *equipment,* used or useful in the manufacture and distribution of textile products.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIER OF PROPERTY

No. MC 38183 (Sub No. 41), filed November 1, 1957, WHEELOCK BROS., INC., 720 East Third Street, Kansas City, Mo. For authority to operate as a *common carrier,* transporting: *General commodities,* except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Topeka, Kans., and Junction City, Kans., over relocated U. S. Highway 40, serving no intermediate or off-route points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Chicago, Ill., and Denver, Colo. Applicant is authorized to transport general commodities in Colo-

rado, Illinois, Indiana, Kansas, and Missouri.

No. MC 61403 (Sub No. 22), filed October 29, 1957, ROBINSON TRANSFER MOTOR LINES, INC., Wilcox Drive, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Lima, Ohio, to Pickens and Spartanburg, S. C. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 71743 (Sub No. 2), filed October 25, 1957, BELLM FREIGHT LINES, INC., 1819 North 17th Street, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Morton, Ill., and Peoria, Ill., over U. S. Highway 150, serving no intermediate points. Applicant is authorized to transport the commodities specified in Illinois and Missouri.

NOTE: Applicant's attorney states applicant has served the Caterpillar Tractor Co. between St. Louis, Mo., and Peoria, Ill., for many years and now desires to serve said company's new plant in Morton, Ill., by "tacking" the authority requested herein.

No. MC 112584 (Sub No. 15), filed October 25, 1957, FRED A. SHELTON, Copperhill, Tenn. Applicant's attorney: Blaine Buchanan, 1024 James Building, Chattanooga 2, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sulphur dioxide* (SO_2), in bulk, in tank vehicles, from Copperhill, Tenn., to Moss Point, Miss., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return. Applicant is authorized to transport Sulphur dioxide, in bulk, in tank vehicles, over regular routes, in North Carolina and Tennessee, and over irregular routes in Alabama, Florida, Georgia, Mississippi, North Carolina, and Tennessee.

MOTOR CARRIERS OF PASSENGERS

No. MC 28680 (Sub No. 16), filed October 25, 1957, JORDAN BUS COMPANY, a Corporation, Jordan Terminal Building, Hugo, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express* and *mail*, in the same vehicle with passengers, between Waurika, Okla., and Walters, Okla., over Oklahoma Highway 5, serving all intermediate points, with authority to tack with its present authority both at Waurika and Walters, Okla. Applicant is authorized to conduct operations in Arkansas, Oklahoma, and Texas.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12667, filed September 26, 1957, DOROTHY M. KNOLL, doing business as DOROTHY M. KNOLL, TRAVEL AGENT, 1724 Rosedale Street, Verona, Pa. Applicant's attorney: Silvestri Silvestri, 509 Plaza Building, Pittsburgh 19, Pa. For a license (BMC 5) authorizing operations as a *broker* at Verona, Pa., in arranging with motor common carriers, and on occasion joint arrangements between motor, rail and water carriers, for the transportation of *passengers* and *groups of passengers* and their *baggage*, in the same vehicle, in special or charter service, in round trip sight-seeing tours beginning and ending at points in Allegheny County, Pa., and extending to points in the United States.

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

MOTOR CARRIERS OF PROPERTY

No. MC 71459 (Sub No. 13), filed November 4, 1957, SOUTHERN CALIFORNIA FREIGHT LINES, a Corporation, 1121 Mateo Street, Los Angeles 21, Calif. Applicant's attorney: D. W. Markham, 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: A. *General commodities*, 1. Between Los Angeles, Calif., and San Bernardino, Calif., serving all intermediate points: From Los Angeles over U. S. Highway 66 to San Bernardino, and return over the same route, 2. Between Los Angeles, Calif., and the United States-Mexican border at Calexico, Calif., serving all intermediate points: 2.1 From Los Angeles over U. S. Highway 99 to the United States-Mexican border, and return over the same route. 2.2 From Los Angeles over U. S. Highway 99, as described above, to its junction with California Highway 111 approximately two miles west of White Water, Calif., thence over California Highway 111 to the United States-Mexican border, and return over the same route. 2.3 From Los Angeles over U. S. Highway 60 to Beaumont, Calif., thence to the United States-Mexican border, as described above, and return over the same route. 3. Between Twentynine Palms, Calif., and the junction of unnumbered highway and U. S. Highway 99 at Twentynine Palms junction, serving all intermediate points: From Twentynine Palms over unnumbered highway to its junction with U. S. Highway 99 at Twentynine Palms junction, and return over the same route. 4. Between the junction of California Highway 79 and U. S. Highway 60 about five miles east of Sunnymead, Calif., and Hemet, Calif., serving all intermediate points: From the junction of California Highway 79 and U. S. Highway 60 approximately five miles east of Sunnymead, Calif., over California Highway 79 to Hemet, and return over the same route, 5. Between Los Angeles, Calif., and the United States-Mexican border south of San Ysidro, Calif., serving all intermediate points, and the off-route points of Olinda, Calif.; all points within five miles of the United States Post Office at Olinda, including Camp Pendleton, United States Marine Base; Newport Beach, Balboa; La Jolla, Pacific Beach, Mission Beach, Ocean Beach, and Point Loma, Calif. 5.1 From Los Angeles over U. S. Highway 101 to the United States-Mexican border, and return over the same route. 5.2 From Los Angeles over U. S. Highway 101 Alternate to its junction with U. S. Highway 101, and thence to the United States-Mexican border as described above, and return over the same route. 5.3 From Los Angeles over U. S. Highway 101 to Buena Park, Calif., thence over California Highway 39 to its junction with U. S. Highway 101 Alternate at or near Huntington Beach, Calif., thence to the United States-Mexican border as described above, and return over the same route. 5.4 From Los Angeles over U. S. Highway 101 to Santa Ana, Calif., thence south on Main Street to its junction with California Highway 55, thence over California Highway 55 to its junction with U. S. Highway 101 Alternate at or near Newport Beach, thence to the United States-Mexican border as described above, and return over the same route. 5.5 From Los Angeles to San Diego, Calif., as described above, thence by ferry to North Island, thence over California Highway 75 to its junction with U. S. Highway 101 at or near Palm City, Calif., thence to the United States-Mexican border as described above, and return over the same route. 6. Between Santa Monica, Calif., and Los Angeles, Calif., serving all intermediate points, and the off-route points of San Pedro, Calif., and Terminal Island: 6.1 From Santa Monica over U. S. Highway 101 Alternate to Los Angeles, and return over the same route. 6.2 From Santa Monica over U. S. Highway 66 to Los Angeles, and return over the same route. 7. Between the junction of U. S. Highway 99 and U. S. Highway 6 north of San Fernando, Calif., and Wilmington, Calif., serving all intermediate points: From the junction of U. S. Highway 99 and U. S. Highway 6 north of San Fernando, over U. S. Highway 99 to Los Angeles, thence over city streets to Wilmington, and return over the same route. 8. Between Sun Valley, Calif., and Glendale, Calif., serving all intermediate points: From Sun Valley over Sunland Boulevard to its junction with California Highway 118 at or near Sunland, Calif., thence over California Highway 118 to its junction with California Highway 2 at or near La Canada, Calif., thence over California Highway 2 to Glendale, and return over the same route. 9. Between Pasadena, Calif., and Long Beach, Calif., serving all intermediate points: From Pasadena over U. S. Highway 66 to its junction with California Highway 19, thence over California Highway 19 to Long Beach and return over the same route. 10. Between Anaheim, Calif., and San Bernardino, Calif., serving all intermediate points: From Anaheim over U. S. Highway 91

to San Bernardino, and return over the same route. 11. Between Riverside, Calif., and San Diego, Calif., serving all intermediate points, and the off-route point of the United States Naval Fallbrook Ammunition Depot: 11.1 From Riverside over U. S. Highway 395 to San Diego, and return over the same route. 11.2 From Riverside over U. S. Highway 395 to its junction with the highway formerly designated as U. S. Highway 395, approximately two miles south of Rainbow, Calif., thence over the highway formerly designated as U. S. Highway 395, via Fallbrook, and Bonsall, Calif., to its junction with California Highway 78 at or near Vista, Calif., thence over California Highway 78 to its intersection with U. S. Highway 395 at or near Escondido, Calif., thence to San Diego as described above, and return over the same route. 12. Between Perris, Calif., and Idyllwild, Calif., serving all intermediate points: From Perris over California Highway 74 to its junction with unnumbered highway at Idyllwild junction, thence over unnumbered highway to Idyllwild, and return over the same route. 13. Between San Diego, Calif., and the California-Arizona boundary near Winterhaven, Calif., serving all intermediate points: 13.1 From San Diego over U. S. Highway 80 to the California-Arizona boundary, and return over the same route. 13.2 From San Diego over U. S. Highway 94 to its junction with U. S. Highway 80 at or near White Star, Calif., thence to the California-Arizona boundary as described above, and return over the same route. *B. General commodities*, except household goods as defined by the Commission, livestock, commodities of unusual value, and those injurious or contaminating to other lading. 14. Between Twentynine Palms, Calif., and the Marine Corps Field Artillery and Anti-aircraft Training Center approximately seven miles north thereof, serving all intermediate points: From Twentynine Palms over unnumbered highway to the Marine Corps Field Artillery and Anti-aircraft Training Center, and return over the same route. It is proposed to serve as off-route points (a) all points within five miles on either side of any of the routes described above in paragraphs A or B; (b) all points more than five miles, but not more than ten miles, from any of the routes described above in paragraphs A or B, but with respect to the points described in this subparagraph (b), service will not include (1) shipments weighing less than 2,000 pounds each, or carrying a charge applicable to a shipment of less than 2,000 pounds, or (2) the following commodities: household goods as defined by the Commission, petroleum products in bulk, livestock, or commodities of unusual value. *C. General commodities*, except household goods as defined by the Commission, petroleum products in bulk, livestock and commodities of unusual value when transported in shipments of less than 500 pounds. 15. Between all points embraced by the following boundary (hereinafter referred to as "Los Angeles Territory 2), on the one hand: Beginning at the intersection of Sunset Boulevard and U. S. Highway 101, Alternate; thence northeasterly along Sunset Boulevard to State Highway 7; northerly along State Highway 7 to State Highway 118; northeasterly along State Highway 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway 118 to and including the City of Pasadena; easterly along U. S. Highway 66 to State Highway 19; southerly along State Highway 19 to its intersection with U. S. Highway 101, Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U. S. Highway 101, Alternate; thence northerly along an imaginary line to point of beginning; and all points embraced by the following boundary (hereinafter referred to as "San Francisco Territory"), on the other hand: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U. S. Highway 101; southerly along an imaginary line 1 mile west of a paralleling U. S. Highway 101 to its intersection with the corporate boundary of the City of San Jose; southerly, easterly and northerly along said corporate boundary to its intersection with State Highway 17; northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U. S. Highway 40 (San Pablo Avenue); northerly along U. S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said water front and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Serving all intermediate points, except as hereinafter provided: 15.1 From Los Angeles Territory, over U. S. Highway 101 to San Francisco Territory, and return over the same route. 15.2 From Los Angeles Territory over U. S. Highway 101 Alternate to its junction with U. S. Highway 101 at a point north and west of Oxnard, Calif., thence to San Francisco Territory as described above, and return over the same route. 15.3 From Los Angeles Territory over California Highway 118 to its junction with U. S. Highway 101 approximately 4.1 miles east of Ventura, Calif., thence to San Francisco Territory as described above, and return over the same route. 15.4 From Los Angeles Territory over U. S. Highway 99 to its junction with California Highway 126 at or near Newhall Ranch, Calif., thence over California Highway 126 to its junction with U. S. Highway 101 approximately 2.5 miles east of Ventura, thence to San Francisco Territory as described above, and return over the same route. 15.5 From Los Angeles Territory over U. S. Highway 99 to its intersection with California Highway 126 at or near Newhall Ranch, thence over California Highway 126 to Santa Paula, thence over California Highway 150 to its junction with U. S. Highway 399 west of Ojai, Calif., thence over U. S. Highway 399 to its junction with U. S. Highway 101 at or near Ventura, thence to San Francisco Territory as described above, and return over the same route. 15.6 From Los Angeles Territory to Las Cruces, Calif., as described above, thence over California Highway 1 to Pismo Beach, Calif., thence to San Francisco Territory as described above, and return over the same route. 15.7 From Los Angeles Territory to Buellton, Calif., as described above, thence over California Highway 150 to Lompoc, Calif., thence to San Francisco Territory as described above, and return over the same route. 15.8 From Los Angeles Territory to the junction of U. S. Highway 101 and California Highway 156 approximately 11 miles south of Gilroy, Calif., as described above, thence over California Highway 156 to Hollister, Calif., thence over California Highway 25 to its junction with U. S. Highway 101 approximately two miles south of Gilroy, thence to San Francisco Territory as described above, and return over the same route. 15.9 From Los Angeles Territory over U. S. Highway 99 to its junction with California Highway 152, thence over California Highway 152 to its junction with U. S. Highway 101, thence to San Francisco Territory as described above, and return over the same route, but with service to no intermediate points between the junction of U. S. Highway 90 and California Highway 152, and the junction of California Highway 152 and U. S. Highway 101. 15.10 From Los Angeles Territory over U. S. Highway 99 to Manteca, Calif., thence over California Highway 120 to its junction with U. S. Highway 50, thence over U. S. Highway 50 to San Francisco Territory, and return over the same route, but with service to no intermediate points between Manteca and San Francisco Territory. 15.11 From Los Angeles Territory over U. S. Highway 99 to its junction with U. S. Highway 6, thence over U. S. Highway 6 to its junction with unnumbered highway southeast of Newhall, Calif., thence over unnumbered highway, via Newhall, to Saugus, Calif., thence over unnumbered highway to its junction with U. S. Highway 99 approximately 2.7 miles west of Saugus, thence to San Francisco Territory as described above, and return over the same route. 15.12 From Los Angeles Territory over U. S. Highway 99 to its

junction with California Highway 65 approximately four miles north of Bakersfield, Calif., thence over California Highway 65 to its junction with California Highway 198 at or near Exeter, Calif., thence over California Highway 198 to Visalia, Calif., thence over unnumbered highways, via Calgro, Orosi, Dinuba, Reedley, and Sanger, Calif., to Clovis, Calif., thence over California Highway 168 to its junction with unnumbered highway, thence over unnumbered highway to its junction with U. S. Highway 99 approximately seven miles north of Fresno, Calif., thence to San Francisco Territory as described above, and return over the same route. 16. Between Hollister, Calif., and the junction of California Highway 156 and California Highway 152 approximately 12 miles east of Gilroy, Calif., with service to all intermediate points: From Hollister over California Highway 156 to its junction with California Highway 152 approximately 12 miles east of Gilroy, and return over the same route. 17. Between Visalia, Calif., and Lemoore, Calif., with service to all intermediate points: From Visalia over California Highway 198 to Lemoore, and return over the same route. 18. Between Manteca, Calif., and Sacramento, Calif., with service to all intermediate points. From Manteca over U. S. Highway 99 to Sacramento, and return over the same route. RESTRICTION: It is not proposed to transport shipments between San Francisco Territory and any point on U. S. Highway 99 between Sacramento and Stockton, both inclusive, or any point within ten miles of U. S. Highway 99 between Sacramento and Stockton, both inclusive. It is proposed to serve as off-route points: (a) all points within five miles on either side of any of the routes described above in this paragraph C; (b) all points more than five miles, but not more than ten miles from any of the routes described above in this paragraph C, but with respect to the points described in this subparagraph (b) service will not include shipments weighing less than 2,000 pounds each, or carrying a charge applicable to a shipment of less-than 2,000 pounds, except that it is not proposed to serve points within 10 miles of: (i) California Highway 152 between its junction with U. S. Highway 99 and its junction with U. S. Highway 101 (described in paragraph 15.9 above), or (ii) California Highway 120 between its junction with U. S. Highway 99 and its junction with U. S. Highway 50 (described in paragraph 15.10 above), or (iii) U. S. Highway 50 between its junction with California Highway 120 and San Francisco Territory (described in paragraph 15.10 above), unless such points are authorized to be served by reason of their proximity to other routes, or portions thereof, as described above. The authority applied for herein includes the right to operate over any combination of the above-described or otherwise authorized routes, regardless of whether the routes join or have a common point of service. Dual operations or section 5 may be involved. This application is directly related to No. MC–F 6706 published in the FEDERAL REGISTER of October 9, 1957, on page 8049.

NOTE: Applicant states it seeks authority corresponding to that presently held by it by virtue of authority of the State of California, and the second proviso of section 206 (a) (1) of the Interstate Commerce Act, but without duplication of any authority presently held by it by virtue of certificates issued under the Interstate Commerce Act.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

Nos. MC–F 6031, MC–F 6149, MC–F 6314 and MC–F 6330, published in the July 27, 1955, December 14, 1955, July 4, 1956, and July 18, 1956, issues of the FEDERAL REGISTER, respectively. Petition filed November 5, 1957, for JAR CORPORATION (Florida Corporation) to be substituted as party applicant in lieu of its former subsidiary of the same name. Amendment filed October 31, 1957, to temporary authority application MC–F 6314, for leasing of certain physical property.

No. MC–F 6737, published in the October 30, 1957, issue of the FEDERAL REGISTER, on page 8768. Application filed October 31, 1957, for temporary authority under section 210a (b).

No. MC–F 6749. Authority sought for purchase by RED BALL TRANSFER CO., 1009 Capital Avenue, Omaha, Nebr., of the operating rights of K. K. TRUCKING COMPANY, 1420 33d Street, Denver 5, Colo. Applicants' attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr. Operating rights sought to be purchased: *General commodities,* with certain exceptions, including household goods, as a *common carrier,* over irregular routes, between Longmont, Colo., and points within 50 miles thereof, on the one hand, and, on the other, points in Colorado. Vendee is authorized to operate as a *common carrier* in Nebraska, Missouri, Iowa, Illinois, Indiana, Kansas, and Colorado. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F 6750. Authority sought for control by HELM'S EXPRESS, INC., P. O. Box 268, Pittsburgh 30, Pa., of ZENO FREIGHTWAYS, INC., 1040 Penn Street, Reading, Pa., and for acquisition by HARRY M. WERKSMAN, also of Pittsburgh, Pa., of control of ZENO FREIGHTWAYS, INC., through the acquisition by HELM'S EXPRESS, INC. Applicants' attorney: Samuel P. Delisi, 1211 Berger Building, Pittsburgh 19, Pa. Operating rights sought to be controlled: *General commodities,* with certain exceptions including household goods and commodities in bulk, as a *common carrier,* over regular routes, between Cleveland, Ohio, and Philadelphia, Pa., serving certain off-route points, between Harrisburg, Pa., and Lancaster, Pa., between Harrisburg, Pa., and Philadelphia, Pa., between Bethlehem, Pa., and Philadelphia, Pa., between Akron, Ohio, and Pittsburgh, Pa., serving certain off-route points, between Canfield, Ohio, and Rochester, Pa., between Norwalk, Ohio, and Youngstown, Ohio, between Pittsburgh, Pa., and Jennerstown, Pa., serving the off-route point of Ebensburg, Pa., between West Alexander, Pa., and Uniontown, Pa., between Greensburg, Pa., and Point Marion, Pa., between Pittsburgh, Pa., and Steubenville, Ohio, between Sandusky, Ohio, and New Philadelphia, Ohio, serving the off-route point of Mansfield, Ohio, between Norwalk, Ohio, and Willoughby, Ohio, between Strasburg, Ohio, and Willoughby, Ohio, serving the off-route point of Painesville, Ohio, between Wadsworth, Ohio, and Canton, Ohio, between Lorain, Ohio, and Mallet Creek, Ohio; serving all intermediate points on the above specified routes; over irregular routes, from Cleveland, Ohio, and points in Ohio within 50 miles of Cleveland to certain points in Pennsylvania, and from Blairsville, Pa., and points in Pennsylvania within 60 miles of Blairsville to certain points in Ohio; alternate route for operating convenience only between the junction of U. S. Highway 224 and Ohio Highway 367, (west of Canfield, Ohio), and the junction of Ohio Highways 367 and 46 (south of Canfield, Ohio). Helm's Express, Inc. is authorized to operate as a *common carrier* in New York, Pennsylvania, New Jersey, Ohio, and West Virginia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6751. Authority sought for control by F. N. RUMBLEY COMPANY, 2100 South Van Ness Avenue, Fresno, Calif., of J. A. NEVIS TRUCKING, INC., P. O. Box 910, Industrial Road, Pittsburg, Calif., and for acquisition by W. F. RUMBLEY AND F. N. RUMBLEY, both of Fresno, Calif., of control of J. A. NEVIS TRUCKING, INC., through the acquisition by F. N. RUMBLEY COMPANY. Applicants' attorneys: Frank Loughran, 1620 Russ Building, San Francisco, Calif., and Wilmer A. Hill, 216 Transportation Building, Washington, D. C. Operating rights sought to be controlled: *Lumber and lumber products, wire netting, structural steel, nails, sash weights, plumbing fixtures, iron and steel pipe, bands* and *bars,* as a common carrier, over irregular routes, between San Francisco, Oakland, Alameda, Richmond, Pittsburg, and Stockton, Calif.; from San Francisco, Oakland, Alameda, Richmond, Pittsburg, and Stockton, Calif. to points in California within 250 miles of Pittsburg, Calif. Operations under the second proviso of section 206 (a) (1) of the Interstate Commerce Act, in the transportation of *iron, steel, iron and steel articles, tin plate* and *empty carriers* and *pallets,* returning, *roofing, building and paving materials, waste paper, waste paperboard, waste pulpboard, waste fibreboard* and *waste rags, lumber and forest products, brick, fire clay, clay and clay products, including tile mortar and sand, petroleum* and *petroleum products,* in packages, *machinery and machinery parts, machinery, such as generators or motors,* or *parts thereof,* or *generators and engines* or *motors combined, anneal-*

ing covers, outfits, bridge builders', contractors' or graders', chemicals, insecticides and *fungicides, alloys* and *aluminum*, from, to and between all points on or within 25 miles of: U. S. Highway 101 and U. S. Highway 101 By-Pass, between Santa Rosa, on the north, and Santa Ana, on the south; U. S. Highway 99 from North Sacramento, on the north, to Colton, on the south; State Highway 1 from San Francisco to Monterey; State Highway 4 from Pinole to Stockton; U. S. Highway 40 from San Francisco to Sacramento; U. S. Highway 50 from San Francisco to Manteca; State Highway 152 from Gilroy to Califa; State Highway 198 from San Lucas to Visalia; and U. S. Highway 466 from Robles to Famoso. F. N. Rumbley Company is authorized to operate as a *common carrier* in New Mexico, California, Nevada, and Arizona. Application has been filed for temporary authority under section 210a (b).

NOTE: Application will be filed and published in the FEDERAL REGISTER at a later date as a matter directly related.

No. MC–F 6752. Authority sought by DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind., to purchase the operating rights of MARTIN BROTHERS TRANSPORT, INC., 1400 West Seventh Street, Amarillo, Tex., and for acquisition by PAUL A. MAVIS, also of South Bend, Ind., of control of such rights through the transaction. Applicants' attorney: Charles Pieroni, % Dallas & Mavis Forwarding Co., Inc., 4000 West Sample Street, South Bend, Ind. Operating rights sought to be purchased: *New automobiles*, in initial movements, as a *common carrier*, over a regular route, from Detroit, Mich., to Amarillo, Texas, and the intermediate point of Shamrock, Texas. Vendee is authorized to operate as a *common carrier* in all States in the United States and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F 6754. Authority sought by ALBERT L. EVANS, doing business as EVANS DELIVERY COMPANY, 777 Water Street, Pottsville, Pa., to purchase a portion of the operating rights of AMANDUS S. GERMAN, 720 Washington Street, Allentown, Pa. Applicants' representative: Paul B. Kemmerer, 1620 North 19th Street, Allentown, Pa. Operating rights sought to be purchased: *General commodities*, with certain exceptions, including household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Allentown, Bethlehem, Walnutport, Lehigh Gap, Weissport, Easton, Emmaus, Catasaugua, Northhampton, and Slatington, Pa. Vendee is authorized to operate as a *common carrier* in Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6755. Authority sought by GORDON B. EVANS, doing business as UNION TRANSFER CO., OF ALLENTOWN, 429–431 North 11th Street, Allentown, Pa., to purchase a portion of the operating rights of AMANDUS S. GERMAN, 720 Washington Street, Allentown, Pa. Applicants' representative: Paul B. Kemmerer, 1620 North 19th Street, Allentown, Pa. Operating rights sought to be purchased: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between Allentown, Pa., and points within 25 miles of Allentown, Pa., on the one hand, and, on the other, points in New York, New Jersey, and Maryland, *fresh and canned meats*, from Allentown, Pa., to points in Pennsylvania within 75 miles of Allentown, *refused, damaged, or rejected shipments* of fresh and canned meats, from points in Pennsylvania within 75 miles of Allentown, to Allentown. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, New York, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 6753. Authority sought by THE SHORT LINE, INC., Court House Square, Newport, R. I., to purchase a portion of the operating rights of THE GREYHOUND CORPORATION, 5600 Jarvis Avenue, Chicago 31, Ill., and for acquisition by GEORGE M. SAGE, also of Newport, R. I. of control of such rights through the transaction. Applicants' attorneys: William A. Murray, Jr., also of Newport, R. I., and L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D. C. Operating rights sought to be purchased: *Passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers, as a *common carrier*, over regular routes, between Boston, Mass., and Providence, R. I., serving all intermediate points, between Taunton, Mass., and Wyoming, R. I., serving all intermediate points, and over an alternate route for operating convenience only, between Boston, Mass., and South Easton, Mass. Vendee is authorized to operate as a *common carrier* in Rhode Island and Massachusetts. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

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

[F. R. Doc. 57–9396; Filed, Nov. 13, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3787]

AJAX TUNGSTEN CORP.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

NOVEMBER 7, 1957.

In the matter of Ajax Tungsten Corporation common stock; File No. 1–3787.

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

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

The Company has failed to file annual reports required pursuant to the rules of the Securities and Exchange Commission and the San Francisco Mining Exchange. The Company, therefore, is held in violation of Rule IV, section 6, of the Rules of the San Francisco Mining Exchange which pertains to withdrawal of registration of companies that are delinquent for a certain period of time in the filing of annual reports.

Upon receipt of a request, on or before November 25, 1957, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F. R. Doc. 57–9393; Filed, Nov. 13, 1957; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA–203]

VITUSCIA S. A.

In re: Property owned indirectly by Vituscia S. A.; F–63–60 (Lugano), F–11–232.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Swiss Credit Bank, New York Agency, 25 Pine Street, New York 5, New York, in the sum of $1,144.00, being a portion of the blocked account entitled, "Swiss Credit Bank, Lugano," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by Vituscia S. A., Sofia, Bulgaria, a national of Bulgaria, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on November 6, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property

[F. R. Doc. 57-9362; Filed, Nov. 12, 1957; 8:47 a. m.]

[Vesting Order SA-204]

UNKNOWN NATIONAL OF RUMANIA

In re: Property owned indirectly by unknown national of Rumania; F-63-60 (Lugano), F-57-1257.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Swiss Credit Bank, New York Agency, 25 Pine Street, New York 5, New York, in the sum of $167.00, being a portion of the blocked account entitled, "Swiss Credit Bank, Lugano," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by a national of Rumania, name unknown, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on November 6, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-9363; Filed, Nov. 12, 1957; 8:47 a. m.]

HIROSHI FUJII

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Hiroshi Fujii, a/k/a Hiroshi Fuji and H. Fuji, d/b/a Fuji Transfer Company, Branch Exchange No. 1, Camp Tokyo, c/o Postmaster, San Francisco, California; $424.90 in the Treasury of the United States.

Claim No. 62793. Vesting Order No. 7998.

Executed at Washington, D. C., on November 6, 1957.

For the Attorney General.

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

[F. R. Doc. 57-9397; Filed, Nov. 13, 1957; 8:49 a. m.]

J. H. KLEIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

J. H. Klein, Rotterdam, The Netherlands, Claim No. 62323; $1,640.70 in the Treasury of the United States, and 23 shares of U. S. Lines $1.00 par value common stock, which 23 shares are included in those represented by Certificate No. NC-29114, registered in the name of the Attorney General.

The above shares are held in the Federal Reserve Bank, New York, for safekeeping.

Vesting Order Nos. 17838 and 17950.

Executed at Washington, D. C., on November 6, 1957.

For the Attorney General.

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

[F. R. Doc. 57-9398; Filed, Nov. 13, 1957; 8:49 a. m.]

WILLEMIEN MULDER-SCHOLTEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Willemien Mulder-Scholten, 55a Bezuidenhout, The Hague, The Netherlands, Claim No. 61479; $6,033.02 in the Treasury of the United States. Fifty (50) shares Southern Railway Company no par value common stock, Certificate Nos. A265714 (40 shares) and B120825 (10 shares), presently in the custody of the Safekeeping Department, Federal Reserve Bank of New York.

Vesting Orders Nos. 17838, 17889, 17909, 17950, and 18118.

Executed at Washington, D. C., on November 6, 1957.

For the Attorney General.

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

[F. R. Doc. 57-9399; Filed, Nov. 13, 1957; 8:49 a. m.]