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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10099

PROVIDING FOR THE ADMINISTRATION OF THE MUTUAL DEFENSE ASSISTANCE ACT OF 1949

By virtue of the authority vested in me by section 404 of the Mutual Defense Assistance Act of 1949, approved October 6, 1949 (Public Law 329, 81st Congress), hereinafter referred to as the Act, and as President of the United States, it is hereby ordered as follows:

1. (a) The Secretary of State is authorized and directed to perform the functions and exercise the powers and authority vested in the President by the Act, except by section 303, section 405, subsection (e) of section 406, clause 2 of subsection (b) of section 407, and subsection (b) of section 411 thereof.

(b) Within the scope of the authority delegated to him by this order, the Secretary of State shall (1) have responsibility and authority for the direction of the programs authorized by the Act, (2) make full and effective use of agencies, departments, establishments, and wholly-owned corporations of the Government, with the consent of the respective heads thereof, in the conduct of operations under such programs, and coordinate the operations of such programs among them, and (3) advise and consult with the Secretary of Defense and the Administrator for Economic Cooperation in order to assure the coordination of the mutual-defense-assistance activities with the national-defense and economic-recovery programs.

2. All assistance provided to recipient countries under the authority delegated by this order shall be in conformity with programs approved by the Secretary of State after consultation with the Secretary of Defense and the Administrator for Economic Cooperation. As provided in section 401 of the Act, no equipment or material may be transferred out of military stocks if the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such transfer would be detrimental to the national security of the United States or that such equipment or material is needed by the reserve components of the armed forces to meet their training requirements. The Administrator for Economic Cooperation shall advise the Secretary of State concerning the effect of programs approved by the Secretary of State under the authority delegated to him by this order upon the achievement of the purposes of the Economic Cooperation Act of 1948, as amended, and of the purposes of the United States program of economic assistance in Korea.

3. Funds appropriated or otherwise made available for the purposes of carrying out the portions of the Act pertinent to the authority delegated by this order may be allocated by the Secretary of State to any agency, department, establishment, or wholly-owned corporation of the Government for obligation and expenditure in accordance with programs approved by the Secretary of State under such authority.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 27, 1950.

[F. R. Doc. 50-893; Filed, Jan. 27, 1950; 4:00 p. m.]

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EXECUTIVE ORDER 10100

REGULATIONS RELATING TO THE GRANTING OF CERTAIN ALLOWANCES BY THE DIRECTOR OF CENTRAL INTELLIGENCE

By virtue of and pursuant to the authority vested in me by section 5 (b) of the Central Intelligence Agency Act of 1949, approved June 20, 1949 (Public Law 110, 81st Congress), and as President of the United States, I hereby prescribe the following regulations:

1. The allowances granted by the Director of Central Intelligence under section 5 (b) of the Central Intelligence Agency Act of 1949 shall conform to the allowances granted by the Secretary of State in accordance with the regulations prescribed by him pursuant to section 901 (1) and 901 (2) of the Foreign Service Act of 1946 and Executive Order No. 10011 of October 22, 1948,[1] as to places or cities with respect to which such regulations are applicable; and as to places or cities with respect to which such regulations are not applicable, the allowances granted by the Director shall conform, so far as practicable, to the general standards and rates contained in the said regulations of the Secretary of State.

[1] 3 CFR, 1948 Supp.

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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.

2. The Director of Central Intelligence may prescribe such further regulations as he may deem necessary to effectuate the purposes of this order.

3. This order shall be effective as of June 20, 1949.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 28, 1950.

[F. R. Doc. 50-900; Filed, Jan. 30, 1950; 9:51 a. m.]

RULES AND REGULATIONS

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TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 214]

[Controlled Rooms in Rooming Houses, and Other Establishments Rent Reg., Amdt. 212]

CERTAIN STATES

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

The Controlled Housing Rent Regulation §§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 30, is amended to describe the counties in the Defense-Rental Area as follows:

Orange County, except the Cities of Fullerton, Huntington Beach, Laguna Beach and Newport Beach, and except that portion lying south of the south line of Township Six south, Range Eight west, San Bernardino Base and Meridian, and the easterly and westerly prolongation of said south line; and Los Angeles County, except Catalina Township and the Cities of Alhambra, Bell, Beverly Hills, Covina, El Monte, Huntington Park, La Verne, Long Beach, Maywood, Monrovia, Pasadena, Pomona, South Gate and South Pasadena

This decontrols the City of Bell in Los Angeles County, California, a portion of the Los Angeles, California, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 128a, is amended to read as follows:

(128a) [Revoked and decontrolled.]

This decontrols the entire Somerset, Kentucky, Defense-Rental Area.

3. Schedule A, Item 143, is amended to describe the counties in the Defense-Rental Area as follows:

Barnstable; Bristol; Middlesex; Norfolk; Suffolk; and in Plymouth County the City of Brockton, and the Towns of Abington, Bridgewater, East Bridgewater, Hingham, Mattapoisett, Middleboro, Plymouth, Rockland, West Bridgewater and Whitman.

This decontrols all of Plymouth County, Massachusetts, a portion of the Eastern Massachusetts Defense-Rental Area, except the city and towns listed above.

4. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Macomb, except the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

Oakland and Wayne.

In Washtenaw County, the Townships of Ann Arbor and Ypsilanti and the Cities of Ann Arbor, Saline and Ypsilanti.

This decontrols all Washtenaw County, Michigan, a portion of the Detroit, Michigan, Defense-Rental Area, except the townships and cities named above.

5. Schedule A, Item 170, is amended to describe the counties in the Defense-Rental Area as follows:

Jackson County; in Clay County the Townships of Gallatin and Liberty; and in Platte County, Pettis Township.

Johnson, Leavenworth and Wyandotte.

This decontrols (1) all of Clay County, Missouri, a portion of the Kansas City, Missouri, Defense-Rental Area, except the townships of Gallatin and Liberty and (2) all of Platte County, Missouri, a portion of the Kansas City, Missouri, Defense-Rental Area, except Pettis Township, Missouri.

6. Schedule A, Item 188a, is amended to describe the counties in the Defense-Rental Area as follows:

Camden County; Gloucester County; and Burlington County, except the Townships of Bass River, Tabernacle, Shamong, Woodland and Washington, and the Borough of Medford Lakes in Medford Township.

This decontrols the Borough of Medford Lakes in Medford Township and all of Bass River Township, all in Burlington County, New Jersey, a portion of the Southern New Jersey Defense-Rental Area.

7. Schedule A, Item 215a, is amended to read as follows:

(215a) [Revoked and decontrolled.]

This decontrols the entire Gastonia, North Carolina, Defense-Rental Area.

8. Schedule A, Item 228, is amended to describe the counties in the Defense-Rental Area as follows:

Cuyahoga County, except the Villages of Bay, Brecksville, Chagrin Falls, Lyndhurst, North Olmsted, Orange and West View; and in Lake County, Willoughby Township and those parts of Kirtland Township included within the corporate limits of Waite Hill and Willoughby.

Lake County, other than Willoughby Township and those parts of Kirtland Township included within the corporate limits of the Villages of Waite Hill and Willoughby.

396 This decontrols the Village of Lyndhurst in Cuyahoga County, Ohio, a portion of the Cleveland, Ohio, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

9. Schedule A, Item 257, is amended to describe the counties in the Defense-Rental Area as follows:

Lehigh County, except the Townships of Heidelberg, Lowhill, Lower Macungie, Lower Milford, Lynn, Upper Macungie, Upper Milford, Washington and Weisenberg, and the Boroughs of Alburtis, Macungie and Slatington; and Northampton County, except the Townships of Bushkill, Lehigh, Lower Mount Bethel, Moore, Plainfield, Upper Mount Bethel and Washington, and the Boroughs of Bangor, Chapman, East Bangor, Pen Argyl, Portland, Roseto, Walnutport and Wind Gap.

This decontrols the named townships and boroughs located in Lehigh and Northampton Counties, Pennsylvania, portions of the Allentown-Bethlehem, Pennsylvania, Defense-Rental Area.

10. Schedule A, Item 359, is amended to describe the counties in the Defense-Rental Area as follows:

Brooke, Hancock, Marshall and Ohio.
Belmont, Columbiana and Jefferson.

This decontrols all of Wetzel County, West Virginia, a portion of the Wheeling-Steubenville, West Virginia, Defense-Rental Area.

All decontrols effected by this amendment, except those affected by Items 1 and 8 thereof, are on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894.)

This amendment shall become effective January 27, 1950.

Issued this 26th day of January 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-843; Filed, Jan. 30, 1950; 8:52 a. m.]

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TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5769]

PART 192—FERMENTED MALT LIQUOR

MISCELLANEOUS AMENDMENTS

1. The act of August 23, 1949 (Pub. Law 261, 81st Cong.), amending the Internal Revenue Code, provides as follows:

That section 3150 (b) of the Internal Revenue Code is amended by changing the designation of paragraph "(2)" to "(4)" and by the insertion of two new paragraphs designated "(2)" and "(3)" to read as follows:

"(2) *Method of payment.* The tax on fermented malt liquor brewed or manufactured and sold, or removed for consumption or sale, within the United States, shall be paid by stamp, under such rules and regulations, permits, bonds, records, and returns, and with the use of such tax-stamp machines or metering or other devices and apparatus, as the Commissioner with the approval of the Secretary shall prescribe.

"(3) *Penalties.* Whoever manufactures, procures, possesses, uses or tampers with a tax-stamp machine which may be required under this section with intent to evade the internal-revenue tax imposed upon fermented malt liquors, and whoever, with intent to defraud, makes, alters, simulates, or counterfeits any stamp of the character imprinted by such stamp machine, or who procures, possesses, uses, or sells any forged, altered, counterfeited, or simulated tax stamp or any plate, die, or device intended for use in forging, altering, counterfeiting, or simulating any such stamp, or who otherwise violates the provisions of this section, or the regulations issued pursuant thereto, shall pay a penalty of $5,000 and shall be fined not more than $10,000 or be imprisoned not more than five years, or both, and any machine, device, equipment, or materials used in violation of this section shall be forefeited to the United

States and after condemnation shall be destroyed. But this provision shall not exclude any other penalty or forfeiture provided by law."

SEC. 2. Section 3152 of the Internal Revenue Code is amended by striking out subsections (a) and (c) and by relettering subsections "(b)", "(d)", "(e)", "(f)", and "(g)" as "(a)", "(b)", "(c)", "(d)", and "(e)", respectively.

SEC. 3. Section 3157 (a) of the Internal Revenue Code is amended to read as follows:

"(a) *Requirements.* Every person who withdraws any fermented malt liquor from any hogshead, barrel, or keg upon which the proper stamp has not been affixed for the purpose of bottling the same, or who carries on or attempts to carry on the business of bottling fermented malt liquor in any brewery or other place in which fermented malt liquor is made, or upon any premises having communication with such brewery, or any warehouse, shall be liable to a fine of $500, and the property used in such bottling or business shall be liable to forfeiture: *Provided, however,* That this section shall not be construed to prevent the transfer of any unfermented, partially fermented, or fermented malt liquors from any of the vats or tanks in any brewery by way of a pipe line or other conduit to another building or place on the brewery premises for the sole purpose of bottling the same, such pipe line or conduit to be constructed and operated in such manner and with such cisterns, vats, tanks, valves, cocks, faucets, meters, and gages, or other utensils or apparatus, either in the brewery or in the bottling house, and with such changes of or additions thereto, and such locks, seals, or other fastenings, and under such rules and regulations as shall be from time to time prescribed by the Commissioner, subject to the approval of the Secretary: *Provided further,* That the tax imposed by law on fermented malt liquor shall be paid on all bottled fermented malt liquor at the time of removal for consumption or sale, in such manner as may be prescribed by regulations pursuant to section 3150 (b) (2). And any violation of the rules and regulations prescribed by the Commissioner, with the approval of the Secretary, in pursuance of these provisions shall be subject to the penalties above provided by this section. Every owner, agent, or superintendent of any brewery or bottling house who removes, or connives at the removal of, any fermented malt liquor through a pipe line or conduit, with the intent to defraud the revenue, shall forfeit all the liquors made by and for him, and all the vessels, utensils, and apparatus used in making the same."

SEC. 4. Section 3158 of the Internal Revenue Code is amended to read as follows:

"The brewery premises shall consist of the land and buildings described in the brewer's notice and shall be used solely for the purpose of manufacturing beer, lager beer, ale, porter, and similar fermented malt liquors, cereal beverages containing less than one-half of 1 per centum of alcohol by volume, vitamins, ice, malt, malt sirup, and other by-products; of bottling fermented malt liquors and cereal beverages as hereinafter provided; of drying spent grain from the brewery; of recovering carbon dioxide and yeast; and of storing bottles, packages, and supplies necessary or incidental to all such manufacture: *Provided,* That undelivered tax-paid fermented malt liquor in stamped barrels or kegs returned to a brewery may be temporarily stored therein, subject to such conditions and under such regulations as the Commissioner, with the approval of the Secretary, shall prescribe. The bottling of fermented malt liquors and cereal beverages on the brewery premises shall be conducted only in the brewery bottling house which shall be located on such premises. The brewery bottling house shall be separated from the brewery in such manner as the Commissioner, with the approval of the Secretary, may by regulation prescribe. The brewery bottling house shall be used solely for the purpose of bottling beer, lager beer, ale, porter, and similar fermented malt liquors, and cereal beverages containing less than one-half of 1 per centum of alcohol by volume; and for the storage of bottles, tools, and supplies necessary or incidental to the manufacture or bottling of fermented malt liquor and cereal beverages. Notwithstanding the foregoing provisions, where any such brewery premises or brewery bottling house was, on June 26, 1936, being used by any brewer for purposes other than those herein described, or the brewery bottling house was, on such date, being used for the bottling of soft drinks, the use of the brewery and bottling-house premises for such purposes may be continued by such brewer. The brewery bottling house of any brewery shall not be used for the bottling of the product of any other brewery. Any brewer who uses his brewery or bottling house contrary to the provisions of this subsection shall be fined not more than $50 with respect to each day upon which any such use occurs."

SEC. 5. Section 3159 of the Internal Revenue Code is amended by relettering subsections "(j)", "(k)", and "(l)" as "(k)", "(l)", and "(m)" and by the insertion of a new subsection designated "(j)" to read as follows:

"(j) *Fraudulent removal of bottled fermented malt liquors.* Any brewer or other person who removes or in any way aids in the removal from any brewery or brewery bottling house of any bottled fermented malt liquors on which the required tax has not been paid shall be fined $100 and imprisoned for not more than one year."

SEC. 6. Section 3151, the first sentence of the second paragraph of section 3153 (a), and section 3154 of the Internal Revenue Code are repealed: *Provided,* That section 3154 shall continue in effect as to any claim accruing thereunder prior to the effective date of this Act.

SEC. 7. The amendments made by this Act shall take effect on the first day of the first month which begins six months or more after the date of the enactment of this Act.

2. The act of August 27, 1949 (Public Law 271, 81st Congress), provides in part as follows:

SEC. 4. *Verification of returns.*

(a) Chapter 38 of the Internal Revenue Code is hereby amended by inserting at the end thereof the following new section:

"SEC. 3809. VERIFICATION OF RETURNS; PENALTIES OF PERJURY.

"(a) *Penalties.* Any person who willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

"(b) *Signature presumed correct.* The fact that an individual's name is signed to a return, statement, or other document filed shall be prima facie evidence for all purposes that the return, statement, or other document was actually signed by him.

"(c) *Verification in lieu of oath.* The Commissioner, under regulations prescribed by him with the approval of the Secretary, may require that any return, statement, or other document required to be filed under any provision of the internal revenue laws shall contain or be verified by a written declaration that it is made under the penalties of perjury, and such declaration shall be in lieu of any oath otherwise required."

3. On September 29, 1949, notice of proposed rule making regarding amendment of Regulations 18, approved May 20, 1940 (26 CFR, Part 192), pursuant to the above authority of law was published in the FEDERAL REGISTER (14 F. R. 5928).

4. After consideration of all such relevant matter as was presented by interested persons regarding the proposals, the regulations are hereby amended as follows:

(a) Sections 192.3, 192.5, 192.6, 192.7, 192.8, 192.9, 192.10, 192.11, 192.12, 192.13, 192.14, 192.17, 192.20, 192.22, 192.23, 192.26, 192.28, 192.30, 192.31, 192.32, 192.33, 192.35, 192.41, 192.46, 192.47, 192.74, 192.77, 192.79, 192.82, 192.83, 192.85, 192.86, 192.87, 192.88, 192.89, 192.91, 192.92, 192.93, 192.95, 192.98, 192.101, 192.105, 192.108, 192.109, 192.110, 192.117, 192.127, 192.128, 192.129, 192.131, 192.135, 192.139, 192.145, 192.146, 192.147, 192.164, 192.165, 192.167, 192.169, 192.173, 192.175, 192.176, 192.177, 192.178, 192.179, 192.192, 192.196, 192.197, 192.198, 192.199, 192.201, 192.203, 192.205, 192.206, 192.209, 192.210, 192.211, 192.212, 192.213, 192.215, 192.219, 192.220, 192.221, 192.223, 192.239, 192.241, 192.243, 192.246, 192.247, 192.248, 192.251, 192.256, 192.257, 192.258, 192.259, 192.261 and 192.266, are amended;

(b) Sections 192.6a, 102.93a, 192.128a, 192.251a, 192.259a to 192.259i, inclusive, are added; and

(c) Sections 192.75, 192.180 to 192.191, inclusive, 192.194, 192.195, 192.200, 192.207, 102.208, 192.265, 192.270, 192.271, and 192.272, are revoked: *Provided, however,* That the provisions of §§ 192.180 to 192.191, inclusive, relative to refunds of tax on unsalable beer, and §§ 192.270, 192.271, and 192.272, relative to refunds of tax on losses of beer in bottling houses shall continue in effect as to any claims accruing thereunder prior to the effective date of these regulations.

§ 192.3 *Definitions.* * * *

(f) "Brewer" shall mean the proprietor of brewery premises.

* * * * *

(i) "Brewery premises" shall mean the premises described as such in the brewer's notice on Form 27–C, where fermented liquors are to be manufactured and bottled. "Brewery bottling house" shall mean that portion of the brewery premises set apart by the brewer, and so described on Form 27–C, where fermented liquors are to be bottled. "Brewery" shall mean the remainder of the brewery premises.

* * * * *

(l) "Business day" shall mean the 24-hour cycle of operations in effect at the plant, which, if other than the calendar day, is subject to the approval of the district supervisor. The business day, having been once established, shall be applicable to all records and operations of the plant, and shall not be changed without prior approval of the district supervisor.

(Sec. 3176, I. R. C.)

LOCATION AND USE OF BREWERY PREMISES 399

§ 192.5 *Use of brewery premises.* The brewery premises shall consist of the

land and buildings described in the brewer's notice on Form 27–C and shall be used exclusively for the purposes of manufacturing and packaging or bottling beer, lager beer, ale, porter, and similar fermented liquors, cereal beverage containing less than one-half of 1 per centum of alcohol by volume, vitamins, ice, malt, malt sirup, and other by-products; of drying spent grain from the brewery; of recovering carbon dioxide and yeast; and of storing bottles, packages, and supplies necessary or incidental to all such manufacture: *Provided*, That all bottling of beer and cereal beverage, all storage of bottled beer before taxpayment, and all storage of bottled cereal beverage, shall be done in a separate department on the brewery premises designated "brewery bottling house": *And provided further*, That where any brewery premises were, on June 26, 1936, being used by a brewer for purposes other than those described herein, the use of such premises for such other purposes may be continued by such brewer.

(Secs. 3158, 3176, I. R. C.)

§ 192.6 *Use of brewery bottling house.* Brewery bottling houses shall be used exclusively for the purpose of bottling beer, lager beer, ale, porter, and similar fermented liquor, and cereal beverage containing less than one-half of 1 per centum of alcohol by volume, produced in the brewery in connection with which the bottling house is operated, and for the storage of bottles, tools, and supplies necessary or incidental to the manufacture or bottling of fermented liquor and cereal beverage: *Provided*, That where any brewery bottling house was, on June 26, 1936, being used by the brewer for purposes other than those described herein, including the bottling of soft drinks, the use of such bottling house for such purposes may be continued by such brewer: *And provided further*, That the brewery bottling house of any brewery shall not be used for bottling the products of any other brewery.

(Secs. 3158, 3176, I. R. C.)

§ 192.6a *Storage of taxpaid bottled beer.* Taxpaid bottled beer may not be stored in the brewery bottling house nor in any other part of the brewery premises: *Provided*, That undelivered taxpaid bottled beer may be held temporarily and returned taxpaid bottled beer may be relabeled, recased, or destroyed in the brewery bottling house, in accordance with the provisions of §§ 192.176, 192.177 and 192.178. Brewers desiring to store taxpaid beer must provide storage therefor off brewery premises. If the premises on which the taxpaid beer is stored are in the same building in which the brewery or brewery bottling house is located, or in a building adjoining a brewery building or brewery bottling house building, they must be separated from the brewery or brewery bottling house by solid, unbroken walls and floors, substantially constructed and so situated that there are no means of interior communication with buildings or rooms of buildings on brewery premises: *Provided*, That authorized conduits or pipe lines for refrigeration or other utilities may pass through such walls and floors. An account of the fermented liquor and cereal beverage held in such off-premises storage must be maintained as a part of the records required by § 192.259f.

(Sec. 3176, I. R. C.)

CONSTRUCTION

§ 192.7 *Buildings on brewery premises.* Brewery buildings and brewery bottling house buildings must be securely constructed of substantial solid materials. If there are buildings, or parts of buildings, not on the brewery premises but adjoining or constituting a part of the buildings on the brewery premises, such other buildings or parts thereof must be entirely separated from the brewery and brewery bottling house by substantial, solid and unbroken walls and floors. The brewery bottling house must be adjacent or contiguous to the brewery. If the brewery and the brewery bottling house are adjoining, there shall be no interior communication between the two parts of the brewery premises, and the brewery bottling house must be separated from the remainder of the brewery premises by solid, unbroken walls and floors, except for authorized conduits, conveyors, tunnels and pipe lines. All such buildings shall be so arranged and constructed as to afford adequate protection to the revenue and facilitate appropriate supervision by Government officers.

(Secs. 3157, 3176, I. R. C.)

§ 192.8 *Division of brewery.* The brewer may divide his brewery into cellars or rooms: *Provided, however*, That each such cellar or room must be plainly designated by having painted on the doors or entrance thereto the designated use of such cellar or room, such as "Storage Room," "Racking Room," "Fermenting Room," etc. If more than one cellar or room is used for the same purpose, the letter "A" must be placed after the designated use painted on the door or entrance of one of the cellars or rooms, and a succeeding letter of the alphabet after each of the others; such as "Storage Room A," "Storage Room B," etc.

(Sec. 3176, I. R. C.)

§ 192.9 *Empty container storage room.* If empty barrels, kegs, bottles, other containers, or other supplies are stored on the brewery premises, they must be so stored as to be completely segregated from filled containers. A separate room or building may be provided for that purpose.

(Sec. 3176, I. R. C.)

§ 192.10 *Government cabinet.* The brewer shall provide a metal cabinet of adequate strength and size, suitably equipped for locking with a Government lock or cap seals, for use in safeguarding locks, keys, seals, and other Government property. Each such cabinet shall be subject to approval by the district supervisor.

(Sec. 3176, I. R. C.)

§ 192.11 *Transfers to bottling house.* All bear and cereal beverage transferred from the brewery to the brewery bottling house must pass through the authorized pipe lines and meters: *Provided*, That draught beer intended for consumption in the bottling house may be transferred thereto from the brewery in kegs or other bulk containers. The pipe line used for the purpose of transferring such products to the brewery bottling house for bottling must be constructed of metal and be exposed to view throughout its entire length. If the pipe line is constructed above the ground, it must be visible at all points and no opening will be permitted therein except as herein provided. The pipe line must be secured at the point where it leads from the brewery and the point where it enters the brewery bottling house in the same manner as provided for an underground pipe line. The pipe line may be located underground if placed within a conduit not less than 15 inches in diameter, the conduit to be constructed of steel or iron or other equally permanent material protected either at the brewery end or brewery bottling house end by a solid iron or steel door, or doors, with hinges securely fastened to the end of the conduit, and the door must be equipped with facilities for locking with a Government seal lock, or for the attachment of cap seals. The conduit shall be embedded in concrete, and the sections of piping, if more than one section is employed, must be securely connected by brazing or welding. The conduit must pursue a straight course from end to end, and provision must be made for lighting it at both ends in such manner that ready examination of the interior of the conduit may be made. No opening whatever will be permitted in the pipe line or conduit throughout its entire length, except as hereinafter provided. It must not traverse premises intervening the brewery and brewery bottling house which are used in the conduct of another business, or which are not used by the brewer in connection with the brewery business.

(Secs. 3157, 3176, I. R. C.)

§ 192.12 *Tunnel specifications.* Where a tunnel is employed, the pipe line must be placed therein so as to admit of ready examination at all points from end to end. Communication between the brewery and the brewery bottling house, except through the authorized pipe, must be prevented by the erection within the tunnel, or at either end thereof, of a suitable door, constructed of metal, equipped for locking with a Government seal lock.

(Secs. 3157, 3176, I. R. C.)

§ 192.13 *Other pipe lines.* If it is necessary that pipe lines for refrigeration, for heating purposes, or for water, pass from the brewery to the brewery bottling house, such pipes must be installed in such manner that they cannot be used for conveying fermented liquor to the brewery bottling house.

(Secs. 3157, 3176, I. R. C.)

§ 192.14 *Facilities for cleaning pipe line.* Where it is desired to clean the pipe line from the brewery to the brewery bottling house by the use of brush, ball, or shot, a return line must be provided. The return line must be brazed, welded, or sweated to the beer line close to the

outlet side of the meter if the meter is located in the brewery, or close to the inlet side if the meter is located in the brewery bottling house. Petcocks not larger than one-eighth inch may be installed in pipe lines.

(Secs. 3157, 3176, I. R. C.)

EQUIPMENT

§ 192.17 *Brewery bottling house equipment.* All tanks and other apparatus and equipment in brewery bottling house must be so constructed and arranged as to admit of examination of every part thereof, and shall be marked as to use, serial number, and in the case of tanks or other containers for beer, the capacity in barrels of 31 gallons. All tanks for beer shall be equipped with permanently installed measuring devices so that the actual contents may be determined at any time.

(Secs. 3157, 3176, I. R. C.)

BEER METERS

§ 192.20 *Meters required.* Brewers shall be required to provide, at their own expense, approved meters for measuring beer to be packaged or transferred to the brewery bottling house, which meters shall be accessible to Government officers at all hours during which the brewery is operating. District supervisors shall furnish brewers with a list of manufacturers whose meters conform to the prescribed specifications and have been approved.

(Secs. 2829, 3176, I. R. C.)

§ 192.22 *Location and installation.* Meters must be provided for racking, and will be installed in the brewery as near as possible to the racker, and be connected thereto by a metal pipe, in such manner that all beer moving to the racking machine will pass through the meter. The meter end of the pipe must be welded, sweated or brazed to a companion flange to be secured to the meter with cap sealed bolts. All other joints and fittings in the pipe must be equally secure. Each bottling meter must be installed in such manner that all beer transferred to the brewery bottling house will pass through the meter. The beer line from the brewery to the brewery bottling house must be brazed, sweated, or welded to a companion flange which shall be fitted to the inlet flange of the meter when the meter is located in the brewery bottling house, and to the outlet flange of the meter when the meter is located in the brewery. This companion flange will be bolted to the meter. The flange and all fittings in the pipe line will be sealed with Government cap seals. All meters will be so located that they will be readily accessible for tests and adjustments by Government officers.

(Secs. 2829, 3157, 3176, I. R. C.)

§ 192.23 *Strainers.* In order to protect meters from injury from foreign matter, a strainer must be placed in the pipe line ahead of each meter. The strainer must be located in the brewery, even though the meter may be located in the brewery bottling house, in order that the strainer may be dismantled for cleaning without Government supervision.

(Secs. 2829, 3176, I. R. C.)

§ 192.26 *Tests, repairs and adjustments.* When necessary in the opinion of the supervisor, he will detail an inspector to test the meter or supervise its dismantling and reassembling for the purpose of cleaning or repair. If a defective meter cannot be repaired or a replacement meter installed without delay, the inspector will, upon removal of the meter, cause the open beer line to be closed by locking the cut-off valve with a Slaight seal lock or affixing a Government cap seal. When the repairs are completed or a new meter installed, the inspector will test the repaired or newly installed meter with a master meter. Minor repairs to the counter mechanism, such as cleaning to facilitate readings, will not necessitate a master meter check. If repair or adjustment of the meter is involved, a copy of the meter test report will be given to the brewer. If the continuous counter of the meter is advanced with water during the test, a report thereof will be made on Form 138, in triplicate. One copy thereof will be given to the brewer, one will be filed in the Government cabinet and one forwarded to the district supervisor. The use of any meter must be discontinued whenever it appears that the revenue will be jeopardized by the continued use of such meter.

(Secs. 2829, 3176, I. R. C.)

QUALIFYING DOCUMENTS

§ 192.28 *Notice on Form 27–C.* Every person engaged in, or intending to engage in, the business of a brewer, shall give notice of such intention on Notice by Brewer, Form 27–C, in triplicate, and file the same with the district supervisor. Except as provided in § 192.36 in the case of amended or supplemental notices, all information indicated by the lines of the form and the instructions printed thereon, and by these regulations, shall be furnished. The notices shall be numbered serially, commencing with No. 1 for the original, and the sequence will be continued for all amended or supplemental forms thereafter filed.

(Secs. 3155 (a), 3176, I. R. C.)

§ 192.30 *Location of business.* The location of the brewery premises must be stated as explicitly as possible. If located in a city, the name of the city and the street and number must be given. If located in the country, the name of the county and the nearest post office, with the distance and direction therefrom, and the name or number of the road or highway on which situated, should be given.

(Secs. 3155 (a), 3176, I. R. C.)

§ 192.31 *Description of premises.* The lot or tract of land comprising the brewery premises, and the portion of that lot or tract of land occupied by the brewery bottling house, must be separately described on Form 27–C, by courses and distances, in feet and hundredths thereof or inches, with the particularity required in conveyances of real estate. The continuity of the brewery premises must be unbroken, except that the continuity will not be considered as broken where the premises are divided by a public street or highway, or by a railroad right-of-way where the railroad is a common carrier, if the parts of the premises so divided abut on such street, highway or railroad right-of-way and are opposite each other. In such cases each tract of land constituting the brewery premises shall be described separately. Nothing in this section shall be construed to prevent the separation of the brewery bottling house into two or more parts or sections.

(Secs. 3155 (a), 3176, I. R. C.)

§ 192.32 *Description of buildings.* All buildings on the brewery premises will be described separately in the notice, stating the purpose for which each will be used, and the size and the material of which constructed. If more than one building is used for the same purpose, such buildings must be given alphabetical designations, following the purpose for which to be used.

(Secs. 3155 (a), 3176, I. R. C.)

§ 192.33 *Description of apparatus and equipment.* The brew kettles, mash tubs, fermenting tanks, storage tanks, and other major equipment used in the production of fermented liquor will be described separately as to use, serial number, and capacity, in barrels of 31 gallons, as specifically required by the Form 27–C and the instructions thereon. All tanks, bottling apparatus, and other major equipment in the brewery bottling house used for bottling fermented liquor, must be described in the notice, separately, as to use, serial number, and, in the case of tanks, capacity in barrels of 31 gallons.

(Secs. 3155 (a), 3176, I. R. C.)

§ 192.35 *Statement of title.* The name and address of the owner of the fee and of any mortgagee, judgment creditor, or other encumbrancer of the premises on which are situated the brewery and the brewery bottling house shall be stated in the notice.

(Secs. 3155 (a), 3176, I. R. C.)

§ 192.41 *Trade name*—(a) *Certificate.* Where the brewer intends to do business under a firm or trade name, there must be submitted with and made a part of the notice, Form 27–C, certified copies, in triplicate, of the certificate or other document filed with or issued by State officials under the laws of the State to cover the transaction of business under such firm or trade name. If no certificate or other document is required by the laws of the State, the brewer shall furnish a statement, in triplicate, to that effect.

(b) *Bottling under trade name.* Where a brewer intends to bottle beer under a trade name, or names, other than the name under which he is qualified to operate, he must include such trade name in Form 27–C, furnish the trade name certificate, or statement in lieu thereof required by this section, and obtain appropriate certificates of label approval where such certificates are re-

quired by Regulations 7 issued under the Federal Alcohol Administration Act.

(Secs. 3155 (a), 3176, I. R. C.)

§ 192.46 *Penal sum.* The penal sum of a brewer's bond to cover the manufacture of fermented liquor must be equal to the amount of the tax prescribed by law, which, in accordance with the findings of the district supervisor of the district in which the brewery premises are located, the brewer will be liable to pay during any one month, that is to say, the amount corresponding to the maximum quantity of fermented liquor that, in his opinion, will actually be taxpaid on said brewery premises during any one calendar month: *Provided*, That the penal sum of any such bond shall not exceed $100,000 nor be less than $1,000.

(Secs. 3155 (b), 3176, I. R. C.)

§ 192.47 *Plat and plans.* Every person intending to engage in the business of a brewer must submit to the district supervisor with his notice, Form 27–C, an accurate plat of the brewery premises, and accurate plans of the buildings, apparatus, and equipment thereon, in triplicate, conforming to the requirements of §§ 192.76 to 192.81.

(Secs. 3155 (a), 3176, I. R. C.)

BONDS AND CONSENTS OF SURETY

§ 192.74 *Superseding bond.* Where a new bond is submitted by the principal to supersede a bond or bonds then in effect, and such superseding bond has been approved, notice of termination of the superseded bond may be issued as provided in §§ 192.112 to 192.116. Superseding bonds must show the current date of execution and the date they are to be effective, and each such bond shall have marked thereon, by obligors at the time of execution, "Superseding Bond."

(Secs. 3155 (b), 3176, I. R. C.)

PLATS AND PLANS

§ 192.77 *Description of brewery premises.* Plats must show the outer boundaries of the brewery premises and of the portion thereof comprising the brewery bottling house by courses and distances, in feet and hundredths thereof or inches, and the point of beginning of each with respect to its distance and bearings from some near and well-known landmark, and must contain an accurate depiction of the building, or buildings, located on the premises and any driveway, public highway, or railroad right-of-way adjacent thereto or connecting therewith. The brewery and brewery bottling house must be shown in contrasting colors or by a legend such as cross hatching, a broken line, etc. When the separation of the brewery and brewery bottling house is not vertical from ground to roof, such additional horizontal and vertical views shall be submitted as will clearly show the separation of the premises. If the premises are separated by a public highway, or a railroad right-of-way, and the tracts of land comprising the premises, or parts thereof, abut on such highway, or right-of-way, opposite each other, the different tracts will be described separately by courses and distances, in feet and hundredths thereof or inches. If two or more buildings are used, the designated name of each will be indicated and all passageways and other openings, if any, and all connecting pipe lines used for the conveyance of fermented liquor between the same depicted. All pipe lines and other connections between the brewery and brewery bottling house, or between the brewery premises and other premises must be indicated on the plat and identified as to use. Where two or more buildings are used for the same purpose, the name of each building shall include an alphabetical designation, beginning with "A" and they shall be so shown on the plat. All first floor exterior doors of each building on the premises will be shown on the plat.

(Sec. 3176, I. R. C.)

§ 192.79 *Conduits or pipe lines.* The conduit or pipe line used for the transfer of fermented liquor from the brewery to the brewery bottling house will be shown in red on the plat, and the details of construction, the manner of securing same, and the location of meters and Government locks will be shown. All other pipe lines connecting the brewery and brewery bottling house will be shown on the plat and will be designated as to use. The direction of flow of fermented liquor through the pipe lines must be indicated by arrows on the plat.

(Secs. 3157, 3176, I. R. C.)

CHANGES IN NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES, AND EQUIPMENT

§ 192.82 *Change in name.* Where there is a change in the individual, firm, or corporate name of the brewer, he must comply with the following requirements:

* * * * *

(f) *Marking and branding.* The brewer will mark and brand barrels, kegs, and cases with the new name in accordance with the provisions of §§ 192.128 to 192.130.

(Secs. 3155 (a), 3176, I. R. C.)

§ 192.83 *New trade names.* Where the brewery premises are to be operated under a new trade name, or style, the brewer must comply with the provisions of § 192.82 (a), and, in addition thereto with the following requirements:

* * * * *

(e) *Records.* Make appropriate entries in the brewer's records covering operations under the new trade name.

(f) *Marking and branding.* The brewer will mark and brand barrels, kegs, and cases with the new trade name in accordance with the provisions of §§ 192.128 to 192.130.

(Secs. 3155 (a), 3176, I. R. C.)

§ 192.85 *Change in proprietorship.* Where there is a change in the proprietorship of the brewery premises, the successor must comply with the following requirements:

* * * * *

(b) *Fiduciary.* If the brewery premises are to be operated by an administrator, executor, receiver, trustee, assignee, or other fiduciary, the fiduciary must comply with the provisions of §§ 192.28 to 192.81, to the extent that such provisions are applicable, except that in lieu of filing a new bond and new plat and plans the fiduciary may furnish a consent of surety, extending the terms of his predecessor's bond, and adopt the plat and plans of such predecessor. The fiduciary must also furnish certified copies, in triplicate, of the order of the court, or other pertinent documents, showing his qualifications as such fiduciary. The effective date of the qualifying documents filed by a fiduciary must be the same as the date of the court order, or the date specified therein, for him to assume control. If the fiduciary was not appointed by the court, the date of his appointment must coincide with the effective date of the qualifying documents filed by him.

(c) *Consent of surety.* The consent of surety extending the terms of the predecessor's bond to cover operation of the brewery premises by a fiduciary must conform to the requirements of § 192.65, and be executed by both the fiduciary and the surety.

(d) *Plats and plans.* The adoption by a successor of the plat and plans of his predecessor shall be in the form of a certificate, in triplicate, in which shall be set forth the name of the predecessor, the address of the brewery premises, a description of the brewery and brewery bottling house, the number of each page comprising each plat and plan covered by such certificate, and a statement that the brewery premises, and the buildings, apparatus, and equipment thereon, are correctly described and depicted on such plat and plans.

(e) *Signs.* The successor, if other than a fiduciary temporarily operating the brewery premises, must change the brewery sign to conform to the requirements of § 192.15.

(Sec. 3176, I. R. C.)

§ 192.86 *Change in partnership.* The withdrawal of one or more members of a partnership or the taking in of a new partner, whether active or silent, shall constitute a change in proprietorship. Likewise, the adjudication as a bankrupt of one or more of the copartners results in a dissolution of the partnership and, consequently, a change in proprietorship. Where such change in proprietorship of the brewery premises occurs, the successor must qualify in the same manner as the proprietor of a new brewery premises, except that the successor may adopt the plat and plans of the predecessor.

(Sec. 3176, I. R. C.)

§ 192.87 *Changes in stockholders, officers, and directors of corporation.* The sale or transfer of the capital stock of a corporation operating brewery premises does not constitute a change in the proprietorship of the brewery premises. However, where the sale or transfer of capital stock results in a change in the control or management of the business, or where there is any change in the officers or directors, the brewer must give notice thereof, in triplicate, to the district supervisor within 5 days of such change. Mere

changes in stockholders of corporations not constituting a change in control need not be so reported. The district supervisor must, in the case of changes in officers or directors, be furnished extracts, in triplicate, of the minutes of the meetings showing the election of the new officers within 5 days after such election.

(Sec. 3176, I. R. C.)

§ 192.88 *Reincorporation.* Where a corporation operating brewery premises is reorganized and a new charter or certificate of incorporation is secured, the new corporation must qualify in the same manner as the new proprietor of brewery premises, except that the new corporation may adopt the plats and plans of the predecessor.

(Sec. 3176, I. R. C.)

§ 192.89 *Special tax stamps.* Where there is a change in proprietorship of the brewery premises, the successor must procure the required special tax stamps: *Provided*, That where a change in proprietorship occurs by reason of the withdrawal of one or more members of a partnership, the special tax stamp, or stamps, may be validated if, within 30 days after the withdrawal, there is filed with the collector of internal revenue an amended return on Form 11 showing the required information regarding the remaining partner or partners. The special tax stamp, or stamps, must also be forwarded to the collector for appropriate endorsement of the change in the partnership.

(Secs. 3176, 3250, I. R. C.)

§ 192.91 *Transfer of business.* When a transfer is made of a brewer's business and the stock on hand, the fermented liquor in stock may be transferred untaxpaid and taken up and accounted for by the successor in business who fully qualifies as a brewer.

(Sec. 3176, I. R. C.)

§ 192.92 *Change in location*—(a) *Bond.* Where there is a change in the location of the brewery premises, the brewer must comply with all applicable provisions of §§ 192.28 to 192.81, except that in lieu of the filing of a new bond, Form 1566, the brewer may furnish a consent of surety, Form 1533, in accordance with § 192.65, extending the terms of the brewer's bond given for the former location to cover operation of the brewery premises at the new location.

(b) *Special tax.* Where there has been a change in location, the brewer must, within 30 days after such change is made, file with the collector of internal revenue an amended return on Form 11 covering the new location of the brewery premises; otherwise, new special tax stamps, must be purchased. The special tax stamp, or stamps, must be forwarded to the collector for endorsement of the change in location.

(Secs. 3176, 3250, 3278, 3260, I. R. C.)

§ 192.93 *Changes in premises.* Where the brewery, or brewery bottling house is to be extended or curtailed, the brewer must file with the district supervisor an amended notice, Form 27–C, and amended plat of the premises. If the plans are affected by the extension or curtailment, they must also be amended. The additional facilities covered by an extension may not be used for the proposed purposes, and the portion to be excluded by a curtailment may not be used for other than the previously approved purposes, prior to approval of the notice, Form 27–C.

(Sec. 3176, I. R. C.)

§ 192.93a *Changes as of March 1, 1950.* A brewer desiring to operate a brewery bottling house when these regulations become effective must file an amended notice on Form 27–C, plat, and bond or consent of surety, showing extension of the brewery premises to include the bottling house effective March 1, 1950. If a consent of surety is filed, it shall be in the following form: "To cover extension of the brewery premises to include the brewery bottling house pursuant to the Act of August 23, 1949 (Public Law 261, 81st Congress)."

(Sec. 3176, I. R. C.)

§ 192.95 *Changes in equipment.* Where changes are to be made in brewery or brewery bottling house equipment that affect the accuracy of Form 27–C and plat or plans, the brewer shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes: *Provided*, That emergency repairs coming under this category of changes may be made without prior approval of the district supervisor. Where such emergency repairs are made, the brewer will file immediately a report thereof, in triplicate, with the district supervisor.

(Sec. 3176, I. R. C.)

ACTION BY DISTRICT SUPERVISOR

§ 192.98 *Inspection of premises.* When the required documents have been filed in proper form, the district supervisor will assign an inspector to examine the premises, buildings, apparatus, and equipment, and determine whether they conform with the description thereof in the notice, plat, and plans, and whether the construction and measures of protection afforded meet the requirements of the law and regulations. Particular attention should be given to the manner in which the brewery is separated from the brewery bottling house as provided in § 192.7.

(Sec. 3176, I. R. C.)

§ 192.101 *Defective construction.* Where it is found that the construction of the brewery or brewery bottling house or the equipment therein does not conform to the requirements of the law and regulations, the district supervisor will inform the proprietor concerning the defects, and further action will be held in abeyance pending correction thereof.

(Sec. 3176, I. R. C.)

§ 192.105 *Disapproval of qualifying documents.* If the district supervisor finds that the applicant has not complied in all respects with the requirements of the law and regulations, or that the individual, firm, partnership, corporation, or association intending to commence business as a brewer, or any person owning, controlling, or actively participating in the management of such business, has been convicted of, or has compromised, an offense of the nature specified in § 192.69, or, if he finds that the situation of the brewery premises is in other respects such as would enable the brewer to defraud the United States, he will disapprove the bond, and will disapprove the notice, plat, plan, and other documents.

(Secs. 2815 (d), 3176, I. R. C.)

§ 192.108 *Special tax stamps.* Upon approval of the notice, plat, and plans and other qualifying documents, the district supervisor will notify the collector of the district in which the brewery premises are located on Form 1411, or otherwise, to insure the payment of special taxes, as required by law and regulations. Collectors are not authorized to issue special tax stamps to brewers until such notice has been received from the district supervisor. Supervisors will also notify collectors each year prior to July 1 as to each brewer who is entitled to purchase the special tax stamp for the ensuing year.

(Secs. 3176, 3250 (c), I. R. C.)

§ 192.109 *Action concerning changes.* The provisions of §§ 192.97 to 192.108, respecting the action required by district supervisors in connection with the establishment of brewery premises will be followed, to the extent applicable, where there is a change in the name of the brewer, or in firm name, trade name, or style, or in the proprietorship, location, premises, construction, apparatus, and equipment of the brewery or brewery bottling house. Where an application covering changes in the apparatus or equipment, or in the construction or use of the brewery or brewery bottling house, is approved by the district supervisor he will retain one copy of the application and forward one copy to the proprietor and one copy to the Commissioner. Similar disposition will be made of reports received from proprietors covering emergency repairs of brewery or brewery bottling house apparatus or equipment.

(Sec. 3176, I. R. C.)

§ 192.110 *Procedure applicable.* The procedure prescribed herein for the approval and disapproval of notices and bonds submitted in connection with the establishment of brewery premises will, to the extent applicable, govern the approval and disapproval of consents of surety, and additional and superseding bonds.

(Sec. 3176, I. R. C.)

NOTICE OF DISCONTINUANCE OF BUSINESS

§ 192.117 *Form of notice.* Where a brewer desires to discontinue business permanently, he will file with the district supervisor notice thereof on Form 27–C, in triplicate, stating therein the purpose, "Discontinuance of business," and giving the date of the discontinuance. The district supervisor will, when operations have been properly completed, note his approval on the notice,

retain one copy and forward one copy to the Commissioner and one copy to the brewer.

(Sec. 3176, I. R. C.)

TAX ON FERMENTED LIQUOR

§ 192.127 *Method of taxpayment.* The tax on fermented liquor is required by law to be paid by the owner, agent, or superintendent of the brewery or premises on which it is made, and must be paid by stamp and at the time and in the manner specified by the regulations in this part. Tax-stamp machines or metering or other devices and apparatus will be used only after regulations specifically prescribing their use have been issued.

(Secs. 3150 (b), 3176, I. R. C.)

MARKS, BRANDS AND LABELS

§ 192.128 *Barrels and cases.* The name of the manufacturer of the fermented liquor and place of manufacture must be embossed on, or indented in, metal barrels or kegs. The name of the manufacturer and the place of manufacture must be branded by burning on the side, across the staves, and must extend over sixty percent, or more, of the circumference, of wooden barrels or kegs containing fermented liquor. The branding must be of sufficient depth and size so that it may not be scraped from barrels without leaving traces to indicate scraping. The name or trade name of the manufacturer and the place of manufacture (city and state) must be shown on each case or other shipping container for bottled or canned beer. No statement as to payment of internal revenue taxes shall be shown on the shipping container for bottled or canned beer: *Provided*, That where such statement is shown on shipping containers held by a brewer, or by a manufacturer of such containers, on March 1, 1950, the shipping containers may be used by the brewer on and after that date upon filing a notice with the district supervisor setting forth the approximate quantity of the supply and the approximate time required to exhaust the supply.

(Secs. 3155 (f), 3176, I. R. C.)

§ 192.128a *Bottles and cans.* Where fermented liquor is bottled or canned on brewery premises, the bottle or can shall show by label or otherwise the name or trade name, the place of manufacture (city and state), the net contents of the container and the nature of the product, such as beer, ale, etc. No statement as to payment of internal revenue taxes shall be shown: *Provided*, That where such statement is shown on labels, bottles or cans held by a brewer, or by a manufacturer of such supplies, on March 1, 1950, the labels, bottles or cans may be used by the brewer on and after that date upon filing a notice with the district supervisor setting forth the approximate quantity of each supply on hand and the approximate time required to exhaust such supply. The labels used by the brewer must be covered by certificates of label approval where required under the Federal Alcohol Administration Act.

(Secs. 3157, 3176, I. R. C.)

§ 192.129 *More than one brewery premises owned by the same person—* (a) *Barrels or kegs.* Where two or more breweries are owned and operated by the same person, firm, or corporation, barrels or kegs with the name of the brewer and the location of one or more of such breweries branded or embossed thereon or indented therein may be used for the removal of tax-paid fermented liquor from the premises of all such breweries: *Provided*, That whenever a barrel or keg so branded is filled with tax-paid fermented liquor for removal, a label, showing the location (city and state) of the brewery at which the fermented liquor was produced, is securely affixed thereon. If more than one such brewery is located in the same city, such label shall show the location by street number, city and state.

(b) *Cases.* The place of manufacture (city and state) must be shown on each case: *Provided* That where two or more brewery premises are owned and operated by the same person, firm, or corporation the cases may show the addresses (city and state) of all of such premises and be used interchangeably.

(Secs. 3155 (f), 3176, I. R. C.)

STAMPS

§ 192.131 *Tax-paid stamps.* Stamps for the tax-payment of fermented liquor have been provided in denominations suitable for the amount of tax required to be paid on the hogshead, barrels, and halves, thirds, quarters, sixths, and eighths of a barrel of such fermented liquor. Stamps of larger denomination for payment of tax on daily removals of fermented liquor from the brewery bottling house are also provided.

(Secs. 3150 (b) (2), 3176, I. R. C.)

§ 192.135 *Filing of Forms 7.* The brewer will maintain Forms 7 as a record in his office, accessible to Government officers. District Supervisors will file Forms 7 according to names of brewers, arranged by the purchaser's number, which appears on the form. They will compare Forms 7 for each brewer with the brewer's monthly report of stamps bought during the month, as shown on Form 103, "Monthly Record of Transactions at Brewery Premises."

(Sec. 3176, I. R. C.)

§ 192.139 *Method of affixing stamp.* At the time any fermented liquor contained in a hogshead, barrel, or keg is removed for consumption or sale from the brewery or brewery warehouse, the brewer must affix centrally upon the spigot hole in the head of every such package an internal revenue stamp denoting the amount of tax required to be paid on such fermented liquor. Fermented liquor intended for bottling elsewhere than on brewery premises must be drawn into packages, which packages must be stamped before removal from brewery premises, and such bottling must be from the stamped package. The procedure prescribed by § 192.146 must be followed in attaching stamps to Forms 139 covering removals of fermented liquor from the brewery bottling house.

(Secs. 3152 (b), 3176, I. R. C.)

§ 192.145 *Untaxpaid beer.* Fermented liquor which has been sold or removed for consumption or sale from the brewery premises without payment of the required tax is liable to seizure and forfeiture. The absence of the proper whole tax stamp from any hogshead, barrel, or keg containing fermented liquor, after its sale or removal for consumption or sale from the brewery where it was made, or brewery warehouse, is prima facie evidence of the nonpayment of the tax.

(Secs. 3159, 3176, I. R. C.)

§ 192.146 *Beer removed from bottling house.* Sufficient stamps must be on hand to cover the tax payment of all fermented liquor before its removal for consumption or sale from the brewery bottling house. The amount of beer removed taxpaid from the brewery bottling house shall be reported on Form 139 (Bewer's Daily Bottling House Return) in accordance with the requirements of § 192.259a. At the time of making his return on Form 139 the brewer shall cancel, to the nearest one-eighth barrel, beer stamps corresponding to the quantity of beer removed for a taxable purpose. In determining the nearest one-eighth barrel, a fraction amounting to one-sixteenth barrel or more will be considered as the next higher one-eighth and a fraction amounting to less than one-sixteenth barrel will be disregarded. The stamps will be cancelled in the manner prescribed for the cancellation of stamps for barrels, or kegs of fermented liquor. The brewer will attach the cancelled stamps to Form 139 to be delivered to any inspector. The tax on the beer will be computed in accordance with the following table:

Number of bottles or cans per case	Fluid contents (ounces) of each bottle or can	Barrel equivalent
4	64	0.06452
6	64	.09677
12	6	.01815
12	7	.02117
12	8	.02419
12	12	.03629
12	14	.04234
12	30	.09073
12	32	.09677
24	6	.03629
24	7	.04234
24	8	.04839
24	9	.05444
24	10	.06048
24	11	.06653
24	12	.07258
24	13	.07863
24	14	.08468
24	15	.09073
24	16	.09677
36	6	.05444
36	7	.06351
36	8	.07258
48	12	.14516

Since the determination of tax liability is based upon a count of cases of bottles or cans, only bottles or cans of uniform size

and content may be packaged in the same case or other shipping container: *Provided*, That due to conditions which make it impracticable to separate seven ounce bottles from eight ounce bottles or eleven ounce bottles from twelve ounce bottles, (a) an indiscriminate mixture of seven and eight ounce bottles of beer may be packaged in the same case and a barrel equivalent of .04536 used in determining the amount of tax due on a case containing 24 bottles, and (b) an indiscriminate mixture of 11 and 12 ounce bottles of beer may be packaged in the same case and a barrel equivalent of .06956 used in determining the amount of tax due on a case containing 24 bottles. If beer is to be removed in cases of sizes other than those shown above, the brewer will notify the district supervisor in advance and request to be advised of the proper fractional barrel equivalent of the proposed container.

(Secs. 3157 (a), 3176, I. R. C.)

§ 192.147 *Personal delivery of Forms 139.* A brewer, or his authorized agent, may, in person, deliver Forms 139, prepared in triplicate, with cancelled stamps attached to one copy, to a designated inspector at the office of the district supervisor. When Forms 139 and the cancelled stamps are so delivered, the inspector, having satisfied himself by an inspection of the stamps, that they are sufficient to cover the tax due on the bottled beer removed from the brewery bottling house taxpaid, as indicated by Form 139, and that they have been properly cancelled by the brewer, will, in the presence of the brewer, or his authorized agent, further cancel and deface the stamps so delivered in such manner as to cut from the center of each stamp a piece thereof not less than one-half inch square, and will prepare three copies of Form 138 and sign the receipt thereon for the stamps. One copy of Form 138 and one copy of each Form 139 with the cancelled stamps attached will be transmitted by the inspector to the bonded accounts division of the supervisor's office. Two copies of Form 138 and of each Form 139 will be delivered to the brewer. One copy of each form will be retained by the brewer as a part of his permanent records and will be kept available for inspection by Government officers. The remaining copy of each Form 139 will be attached to and submitted with the monthly record, Form 103. The remaining copy of Form 138 will be retained by the brewer until the arrival of a Government officer at the brewery and will then be delivered to him for filing in the Government cabinet.

(Secs. 3157 (a), 3176, I. R. C.)

Removals to Contiguous Alcohol Plants

§ 192.164 *Beer removed to contiguous alcohol plants.* Beer, ale, porter, or other fermented liquor to be used as a distilling material may be conveyed by pipe line without tax payment from the brewery where produced to an industrial alcohol plant contiguous to the brewery premises.

(Secs. 3104 (a), 3176, I. R. C.)

§ 192.165 *Brewery premises and alcohol plant separate.* The premises used as a brewery and the premises used as an industrial alcohol plant must be separate and distinct. The industrial alcohol plant must be qualified and constructed as prescribed in Regulations No. 3 (26 CFR, Part 182). If the industrial alcohol plant is in a portion of a building in which the brewery premises are situated or in a separate building immediately adjoining a brewery or brewery bottling house building, there must be a complete separation by substantial unbroken partitions between the same from cellar to roof, on the lines of the premises on all floors, with the exception only that necessary openings will be permissible to allow the conveyance of fermented liquor, water, and carbon dioxide gas by pipes, and to permit the use of the same heat, light, and power plants in the conduct of both industries. Necessary openings will also be permitted in such partitions for the passage of pipes for the return of the residue after distillation for finishing as cereal beverage containing less than one-half of 1 per cent of alcohol by volume on the brewery premises.

(Secs. 3104 (a), 3176, I. R. C.)

§ 192.167 *Cereal beverage.* The residue, which is to be used in making cereal beverage containing less than one-half of 1 per cent of alcohol by volume, may be transferred from the industrial alcohol plant premises to the brewery by means of unstamped packages unlike those ordinarily used for containing fermented liquor. If like packages are used, they must be equipped in the manner required in cases where fermented liquor packages are used for containing nontaxable beverages removed from brewery. Such residue may be transferred from the industrial alcohol plant to the brewery for reconditioning by way of a separate pipe line, which may be connected in the brewery with a tank, or tanks, set aside for that purpose exclusively. Any such residue removed from the industrial alcohol plant premises to the brewery for completion of the process must be kept separate and distinct from the taxable product, and if the same apparatus is to be used for completing the process it must be used at separate and distinct times for the two products. Pipes for conveying such residue of less than one-half of 1 per cent of alcohol by volume passing over the brewery premises must be open to inspection throughout their entire lengths.

(Secs. 3104 (a), 3176, I. R. C.)

§ 192.169 *Records.* Credit shall be taken on record (Form 103) for the quantity of fermented liquor removed as distilling material. At the industrial alcohol plant the materials received from the brewery for distillation shall be taken up on Form 1442, which must be kept for that purpose. The residue returned from the industrial alcohol plant premises to the brewery for finishing shall be accounted for as received, on Form 66.

(Secs. 3104 (a), 3176, I. R. C.)

Removal of Sour Beer

§ 192.173 *Entry on Form 103.* Sour or damaged fermented liquor shall be removed from the brewery without passing through the meter and racking machine, but proper credit entry therefor must be made in the summary on Form 103.

(Secs. 3153 (c), 3176, I. R. C.)

Taxpaid Beer Returned to Brewery Premises

§ 192.175 *Barrels and kegs.*—(a) *Temporary storage.* Undelivered beer in stamped barrels or kegs returned to a brewery may be held in temporary storage. Such beer must be kept completely segregated from all other beer, identified as returned beer, and be immediately accessible for examination by Government officers. The stamps on barrels or kegs of returned beer must remain intact while in temporary storage. Entry will not be made on Form 103 for beer returned in stamped barrels or kegs while in temporary storage. The beer may be held in the brewery for not more than 5 days for refrigeration, after which it must be the first beer of its kind, type, and container size removed. Unless so removed the beer will no longer be considered as being in temporary storage and the stamps on the barrels or kegs must be destroyed. When such beer is returned to brewery stock, the quantity thereof will be entered on Form 103, with a notation explaining the item as "Undelivered Bulk Beer Returned to Brewery Stock." New stamps must be affixed if the beer is again removed from the brewery.

(b) *Used as materials.* Undelivered beer returned to the brewery in stamped barrels or kegs may be used as materials instead of being returned to stock. The quantity of beer so used for materials must be entered on Form 103 as "Materials Received," in one of the unused columns, the heading of which should be marked "Returned Beer Salvaged." Entry shall also be made in an unused column which should be headed "Salvaged Beer" under the heading of "Materials Used," stating the quantity in barrels, as well as the balling. The stamps on the barrels or kegs of returned beer to be used as materials must be destroyed.

(c) *Stamp account.* Deductions or other entries shall not be made in the stamp account on Form 103 in any instances where undelivered beer is returned to stock or used for materials in the production of beer. No refund or credit will be allowed for stamps destroyed.

(Secs. 3158, 3176, I. R. C.)

§ 192.176 *Undelivered taxpaid bottled beer.* The provisions of § 192.6a, relative to the storage of taxpaid bottled beer, shall not be construed as prohibiting the return to and temporary holding of undelivered taxpaid bottled beer in the brewery bottling house or in trucks or other vehicles on the brewery premises. Undelivered taxpaid bottled beer held temporarily in the brewery bottling house must be kept completely segregated from all other beer, be

identified as taxpaid beer, and be immediately accessible for examination by Government officers. Records maintained at the brewery bottling house must show the aggregate quantity of undelivered beer returned to the premises each day and the quantity remaining on hand. The record must be supported by credits against loading slips or similar commercial papers. Entry will not be made on Form 103 for undelivered taxpaid bottled beer temporarily held on the brewery premises. Such undelivered beer must be the first beer of its kind, type, and container size removed from the premises. Unless so removed the beer will no longer be considered as being held temporarily and must be returned to brewery bottling house stock, the quantity thereof entered on Form 103 with a notation explaining the item as "Undelivered bottled beer returned to brewery bottling house stock." No refund or credit will be allowed for the tax paid on bottled beer returned to the brewery bottling house stock. Deductions or other entries shall not be made in the stamp account on Form 103 in any instance where such undelivered beer is returned to stock. Taxpaid bottled beer loaded preparatory to delivery on the same or the following business day may be held in trucks or other vehicles on the brewery premises.

(Sec. 3176, I. R. C.)

§ 192.177 *Recasing or relabeling*—(a) *Application.* A brewer desiring to receive taxpaid bottled beer for recasing or relabeling in the brewery bottling house must file an application, in triplicate, with the district supervisor, who will upon receipt of the application detail an officer to supervise the receipt, recasing or relabeling and removal of the taxpaid beer: *Provided*, That such application may be submitted directly to an inspector at the brewery premises, who may thereupon supervise the operation. The taxpaid beer must be recased or relabeled promptly after receipt on the brewery bottling house premises, be kept apart from all other beer, and be immediately removed from the bottling house premises after completion of the recasing or relabeling. If a brewer desires to hold small quantities of beer returned for recasing or relabeling until a sufficient quantity has been accumulated for economical handling, or if it is not otherwise feasible to recase or relabel returned beer immediately, such beer must be held in off-premises storage. The application should set forth the approximate quantity of taxpaid beer to be recased or relabeled and the date on which the brewer desires to receive the beer for such reconditioning. No entry of the quantity of beer so received and disposed of shall be made in the monthly record, Form 103.

(b) *Action by inspector.* Upon supervising the receipt, recasing or relabeling and removal of the returned taxpaid bottled beer pursuant to the brewer's application, the inspector will enter on all copies of the application, or an appendage thereto, the date of the operation and the quantity of beer involved. The inspector will return one copy of the completed application to the brewer for inclusion in his permanent file, forward one copy to the district supervisor and place the remaining copy in the Government cabinet on the brewery premises.

(c) *Return to stock.* If taxpaid bottled beer is returned to the brewery bottling house for recasing or relabeling and the provisions of paragraph (a) of this section are not complied with, the beer must be returned to brewery bottling house stock and the quantity thereof entered on Form 103 with a notation explaining the item as "bottled beer returned to brewery bottling house stock." No refund or credit will be allowed for the tax paid on bottled beer so returned. Deductions or other entries shall not be made in the stamp account on Form 103 in any instance where such beer is returned to stock.

(Sec. 3176, I. R. C.)

§ 192.178 *Destruction of taxpaid bottled beer.* Taxpaid bottled beer may be returned to the brewery bottling house for destruction and the salvaging of bottles or shipping containers. Taxpaid bottled beer temporarily held in the brewery bottling house for destruction must be completely segregated from all other beer, be identified as beer returned for destruction, and be immediately accessible for examination by Government officers. No refund or credit will be allowed for the tax paid on beer returned to the brewery bottling house for destruction. Immediately upon receipt, the quantity of beer must be taken into account in the "Statement of Transactions in Fermented Liquor" on Form 103, and upon destruction an entry of the quantity involved must be made in the same statement. The entries will be identified as "Beer returned for destruction" and "Returned beer destroyed," respectively. Similar special entries must be made in the "Fermented Liquor Summary" on Form 103. Destruction of the beer may be effected only in accordance with the provisions of § 192.259h.

(Sec. 3176, I. R. C.)

§ 192.179 *Daily record.* Brewers shall keep a daily record of all packages filled with fermented liquor and cereal beverage transferred through the racking meter; the number of packages of each size taxpaid and removed from the brewery; the quantity of untaxpaid draught beer and the quantity of untaxpaid bottled beer set aside for consumption on the brewery premises; the quantity of taxpaid beer returned to the brewery as stock or for use as brewing material; and the quantity of untaxpaid beer representing unstamped leaking packages returned to the brewery. This record shall be maintained for ready examination by Government officers at any time within the succeeding four years.

(Sec. 3176, I. R. C.)

Exportation, Free of Tax, of Fermented Malt Liquor

§ 192.192 *Exportation free of tax.* Fermented liquor may be removed from the place of manufacture or storage for export to a foreign country free of tax. Shipments to the Panama Canal Zone have the same status as exportations to foreign countries. The law provides for shipment of fermented liquor without payment of tax to Puerto Rico, Guam, American Samoa, and the Virgin Islands of the United States. The provisions of the regulations in this part, and the forms prescribed, in respect to the removal of fermented liquor, free of tax, for exportation to foreign countries, apply to like removals and shipments to Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, and the Panama Canal Zone. Beer shipped to other possessions of the United States must be taxpaid upon removal from the brewery premises. Hawaii and Alaska are Territories of the United States, and fermented liquor withdrawn for shipment to those territories must be taxpaid upon withdrawal from the brewery premises.

(Secs. 3153 (b), 3176, I. R. C.)

§ 192.196 *Removed for export.* The quantity of beer removed for exportation in kegs or barrels or in bottles or cans pursuant to an approved Form 1689 will be entered on Form 103 in accordance with the requirements of that form. Beer so removed may not be returned to the brewery premises unless authorized under the provisions of §§ 192.213 or 192.220.

(Secs. 3153 (b), 3176, I. R. C.)

§ 192.197 *Export bond, Form 263.* Brewers desiring to export fermented liquor without payment of tax shall be required to furnish the supervisor of the district in which the brewery premises are located a bond, in triplicate, on Form 263 with acceptable corporate surety, individual surety, or collateral. Bond, Form 263, must be filed with the district supervisor prior to the filing of the first application and entry for withdrawal for exportation on Form 1689.

(Secs. 3153 (b), 3176, I. R. C.)

§ 192.198 *Penal sum.* The penal sum of the bond must be sufficient to cover the estimated amount of tax which will at any time constitute a charge against the bond: *Provided*, That the penal sum of any such bond shall not exceed $25,000 nor be less than $1,000. The bond shall be a continuing one, and the liability thereof subject to increase as successive withdrawals are made thereunder and to decrease as evidence of exportation, hereinafter required, is received by the district supervisor. When the limit of liability under a bond given in less than the maximum penal sum has been reached, no further withdrawals may be made unless prior liabilities have been decreased by the receipt, by the district supervisor, of evidence of exportation, as hereinafter required, or a new or additional bond in a sufficient penal sum is furnished.

(Secs. 3153 (b), 3176, I. R. C.)

§ 192.199 *Bond procedure.* The procedure governing the execution, approval, and disposition of the original and copies of brewers' bonds, Form 1566, as provided in the regulations in this

part, shall, so far as applicable, apply to the execution, approval, and disposition of export bonds, Form 263.

(Secs. 3153 (b), 3176, I. R. C.)

§ 192.201 *Marks on containers.* In addition to the marks and brands prescribed in § 192.128, each keg, barrel, case, crate, or other package containing fermented liquor to be exported under these regulations, without the payment of tax, must plainly and legibly show the words "Fermented Liquor for Export—Lot No. ------" in letters and figures of not less than three-fourths of an inch in height. The lot number assigned must correspond with the brewer's serial number of the Form 1689.

(Secs. 3153 (b), 3176, I. R. C.)

§ 192.203 *Supervisor's account with brewer.* The supervisor shall keep an account with each brewer covering the exportation of fermented liquor which shall show the following:

(*a*) The name and address of the brewery;

(*b*) Date of approval of application, Form 1689;

(*c*) Amount of tax liability involved in such exportation;

(*d*) The name of foreign purchaser;

(*e*) Date, term, and penal sum of export bond; and

(*f*) The amount of tax liability debited and credited against the bond.

(Secs. 3153 (b), 3176, I. R. C.)

§ 192.205 *Application Form 1689.* After acceptance of the prescribed bond by the district supervisor, the principal named therein shall file with the district supervisor for the district in which the brewery premises are located, for each intended withdrawal, an application for withdrawal (and entry for exportation) on Form 1689, in triplicate. The brewer will also make one copy of Form 1689 to be retained by him.

(Secs. 3153 (b), 3176, I. R. C.)

§ 192.206 *Action by district supervisor.* Upon receipt of each application the district supervisor will, if the tax liability thereon will not increase the outstanding liability beyond that covered by the export bond, enter his approval on each copy of Form 1689, and return two copies to the brewer.

(Secs. 3153 (b), 3176, I. R. C.)

§ 192.209 *Change in consignee.* Where, after approval of the application on Form 1689, but before removal, the brewer, for good and sufficient reasons, desires to change the name and address of the consignee, he will forward all copies of Form 1689 with a letter to the district supervisor, for correction, endorsement, and return. Where a change of consignee is desired after removal of the fermented liquor, the district supervisor may, upon application, authorize such change and notify the appropriate collector of customs.

(Secs. 3153 (b), 3176, I. R. C.)

§ 192.210 *Immediate exportation.* Fermented liquor covered by an approved Form 1689 may be removed from the brewery premises only for immediate exportation. Any such liquor found stored elsewhere except as hereinafter provided will be liable to seizure and forfeiture.

(Secs. 3153 (b), 3176, I. R. C.)

§ 192.211 *Delay in exportation.* In case any shipment is not removed from the brewery premises for exportation within 20 days after the district supervisor's approval of the application on Form 1689, the brewer must advise the district supervisor by letter as to the probable date of removal for export. If the order for the shipment has been cancelled he will so state and return all copies of Form 1689 for cancellation.

(Secs. 3153 (b), 3176, I. R. C.)

§ 192.212 *Delivery to carrier.* The brewer, upon removal of a shipment for export, will deliver such fermented liquor either to the carrier or directly for customs inspection. If the place of manufacture is located at the port of exportation, he will deliver the shipment directly for customs inspection and supervision of lading, and will promptly forward a copy of the export bill of lading to the district supervisor. If the place of manufacture is located elsewhere than at the port of exportation, he will deliver the shipment to the carrier for transportation to the port of exportation, and procure one copy of the bill of lading covering such transportation, which he will promptly forward to the district supervisor of the district from which the shipment was made.

(Secs. 3153 (b), 3176, I. R. C.)

§ 192.213 *Return of shipment.* A brewer who desires to return an export shipment to his place of manufacture must make application to the supervisor of the district from which the shipment was made for permission so to do, stating his reasons and shall identify the shipment by serial number of Form 1689 and date of approval thereof, recite where it has been since it left the brewery premises, and give the name and address of the custodian. Upon return of a shipment to the brewery premises pursuant to permission granted by the district supervisor, the quantity of fermented liquor will be taken into account in the brewer's monthly record, Form 103, by means of a special debit entry. All copies of the export application, Form 1689, covering the shipment should be marked "Cancelled—Returned to Brewery" or if bottled or canned fermented liquor is involved "Canceled—Returned to Bottling House," followed by the date of the letter authorizing such return. Credit for fermented liquor so returned should be given by the district supervisor in the brewer's export bond account.

(Secs. 3153 (b), 3176, I. R. C.)

§ 192.215 *Form 1689 completed by brewer.* Upon removal of the shipment from the brewery premises, the date of removal shall be entered by the brewer on all copies of Form 1689, held by him.

(Secs. 3153 (b), 3176, I. R. C.)

§ 192.219 *Delay in lading.* Upon arrival at the port of exportation of the fermented liquor described in an export entry, if the vessel from any cause is not prepared to receive the same, such liquor may be permitted, with the consent of the transportation company, to remain in its custody for a period not exceeding 30 days until released by permit issued by the collector of customs. Storage elsewhere for like cause and not exceeding the same period must be approved by the collector of customs.

(Secs. 3153 (b), 3176, I. R. C.)

§ 192.220 *Return to brewery premises.* In the event of any further delay, the facts shall be reported to the supervisor of the district from which the shipment was made. Unless he approves an extension, he will request the collector of customs to release the fermented liquor for immediate return to the place of manufacture. Upon return of the shipment to the brewery premises, the fermented liquor must be taken into account, all copies of the export application, Form 1689, cancelled and credit given in the supervisor's account with the brewer's export bond in the manner required by § 192.213.

(Secs. 3153 (b), 3176, I. R. C.)

§ 192.221 *Examination by Customs officer.* The collector of customs with whom entry on Form 1689 has been filed shall fill in on each copy of such form the order for inspection and lading. The inspector of customs shall carefully examine the packages of the fermented liquor described in the entry. He shall examine the contents of such packages as are found broken or tampered with, or which he is led to suspect do not contain the fermented liquor originally packed therein, and make a special report thereon. The inspector of customs shall note in his report any deficiency in quantity or discrepancy between the article inspected and that described in the entry. After having complied with the order of inspection and after the fermented liquor has been duly laden on board the exporting vessel or car, the inspector of customs shall complete and sign the certificate of inspection and lading on each copy of the entry on Form 1689. If the inspector of customs discovers any evidence of fraud, he shall detain the goods and notify the collector of customs, who shall inform the supervisor of the district in which said port is located. The supervisor shall cause seizure thereof to be made, and report the facts immediately to the Commissioner.

(Secs. 3153 (b), 3176, I. R. C.)

§ 192.223 *Evidence of foreign landing.* The district supervisor receiving from the collector of customs at the port of exportation the executed application and entry on Form 1689, and, upon examination of the same and finding that the entry has been properly certified as to inspection, lading and clearance for the foreign port and that no shortage has been reported in transit for export, shall note on Form 1689 the actual quantity cleared for exportation and shall retain same in his office pending the receipt by him of evidence of foreign landing, and there being no shortage in exportation,

he shall enter an appropriate credit in the account kept with the export bond.

(Secs. 3153 (b), 3176, I. R. C.)

§ 192.239 *Reimported beer not identified.* All fermented liquor reimported, which cannot be identified as having been produced in the United States, will be treated as imported fermented liquor and will be subject to the customs duty and the internal revenue tax. In such instances the fermented liquor shall be marked and labeled the same as imported fermented liquor.

(Secs. 3153 (b), 3176, I. R. C.)

BEER PURCHASED FROM ANOTHER BREWER

§ 192.241 *Manufacturers' entries in Form 103.* The manufacturer of the liquor will show in red ink in a footnote on his record, Form 103, for the month in which the liquor is delivered, the quantity involved and the fact that it was sold at wholesale to the purchasing brewer.

(Secs. 3155 (f), 3176, I. R. C.)

§ 192.243 *Form of notice.* Notice on the part of the purchasing brewer of the purchase of fermented liquor from another brewer will be furnished the supervisor of the district in which the brewery is located. If the brewer from whom the fermented liquor is purchased is located in another supervisory district, the purchasing brewer will prepare an additional copy of the notice and send it to the supervisor of the district in which the vendor brewer is located. The form of such notice should be as follows:

----------, ----------, --------, 19-----
(City) (State)

To the District Supervisor, ------ District, Alcohol Tax Unit, Bureau of Internal Revenue,

----------, ----------

SIR: You are hereby notified that I have purchased -------- barrels of --------, from --------, brewer, and that I intend to furnish my own vessels, branded with my name, for the reception of such liquor; said vessels to be delivered from the premises of said brewer at ------ o'clock ---- m., on the ------ day of ----------, 19-----.

(Brewer)

(Secs. 3155 (f), 3176, I. R. C.)

CEREAL BEVERAGE

§ 192.246 *Transfers to bottling house.* The law permits the transfer by pipe line of fermented liquor containing less than one-half of 1 per cent of alcohol by volume from the brewery where manufactured to the brewery bottling house. This fermented liquor is nontaxable as such under internal revenue law.

(Secs. 3157 (a), 3176, I. R. C.)

§ 192.247 *Supervision of inspector.* Cereal beverage removed to the brewery bottling house must pass through the pipe line and meter used for the transfer of beer. Such transfers of cereal beverage must be conducted under the immediate supervision of an inspector assigned for that purpose. The inspector shall report on Form 138, prepared in triplicate, the quantity of cereal beverage in whole barrels passed through the meter, noting thereon the continuous counter readings of the meter before and after removal thereof. One copy of the form will be placed in the "Government cabinet," one copy will be given to the brewer, and one copy will be forwarded immediately to the district supervisor.

(Secs. 2829, 3157 (a), 3176, I. R. C.)

§ 192.248 *Inspector's examination of beverage.* Prior to the removal of cereal beverage from the brewery, the inspector will examine it, determine its alcoholic content by ebulliometer test, and record the reading of the continuous counter of the meter. The inspector will remain in the brewery during the period of transfer to see that no liquids other than the contents of the tanks examined and tested are removed to the brewery bottling house.

(Sec. 3176, I. R. C.)

§ 192.251 *Packages.* Cereal beverage when removed from the brewery premises in bulk must be contained in packages unlike those ordinarily used for packaging other fermented liquor: *Provided*, That regular beer cooperage may be used, if the head of the barrel is durably painted in a solid color, with conspicuous lettering in a contrasting color, reading "Nontaxable as fermented liquor. Less than half of 1 per cent of alcohol by volume." The word "Nontaxable" shall be not less than 1½ inches high and of proportionate width, the remaining words to be not less than one-half inch high and of proportionate width. The name or trade name of the manufacturer and the place of manufacture (city and state) must also be legibly marked on the package. The hoops, or the space between hoops at each end must be durably painted in white.

(Sec. 3176, I. R. C.)

§ 192.251a *Cases.* The name or trade name of the manufacturer, the place of manufacture (city and state), and the nature of the product must be shown on each case or other similar shipping container for bottled or canned cereal beverage.

(Sec. 3176, I. R. C.)

LOCKS AND SEALS

§ 192.256 *Security of conduits and tunnels.* Slaight seal locks are prescribed for use in securing the doors of tunnels, and either slaight locks or cap seals may be used in securing the doors of conduits, through which pipes carry beer from the brewery to the brewery bottling house.

(Secs. 3157 (a), 3176, I. R. C.)

§ 192.257 *Supervision of locks, etc.* Inspectors having charge of locks, keys, and seals procured for use at brewery premises are strictly prohibited from entrusting them to any person other than an officer entitled to receive them, and they shall not permit locks to remain open, whether hanging by the shackle or otherwise.

(Secs. 3157 (a), 3176, I. R. C.)

INSPECTION

§ 192.258 *General.* Government officers will make inspections at such frequency and with such thoroughness as to determine that all operations are being conducted in accordance with the law and regulations.

(Sec. 3176, I. R. C.)

RECORDS, REPORTS AND RETURNS

§ 192.259 *Form 103.* Each brewer shall keep Form 103, "Monthly Record of Transactions at Brewery Premises," or its equivalent in book form, reporting thereon the quantity of each kind of material received on the brewery premises, the quantity used in the production of fermented liquor, the quantity of fermented liquor produced therefrom, the quantity of fermented liquor removed from the brewery premises, and other information required by the regulations in this part, and by the lines and instructions on the form. The materials brewed each day and the fermented liquor produced therefrom, shall be reported on such record as of the business day during which the brews were started. There shall also be reported as a debit in the "Fermented Liquor Summary" on Form 103, the quantity of water, if any, used in adjusting the bailing or alcoholic content of the fermented liquor after production has been determined. The entries shall be made before the close of the business day next succeeding the day on which the transactions occur. The aggregates of quantities bottled, as shown in the daily returns on Form 139 will be entered by the brewer in the "Fermented Liquor Summary" of Form 103 at the close of the month. Monthly returns of the operations of such plants on Form 103 shall be made not later than the 10th day of each month for the preceding month. Such returns shall be prepared in triplicate and each copy signed by the brewer or his duly authorized agent. Two copies shall be forwarded to the supervisor, who shall forward one to the Commissioner. The remaining copy will be retained by the brewer and filed as a permanent record, so as to be available for inspection at any time within the succeeding four years.

(Secs. 3155 (c), 3171 (a), 3176, I. R. C.)

§ 192.259a *Daily return, Form 139.* All beer transferred from the brewery to the brewery bottling house must be shown in the daily return on Form 139, prepared in triplicate: *Provided*, That this requirement shall not be considered applicable to beer transferred in barrels or kegs for consumption in the brewery bottling house. The aggregate quantity of beer bottled and the aggregate quantity removed for a taxable purpose during the day must also be shown. The daily return must be prepared before the close of the business day next succeeding the day on which the transactions occur. One copy of Form 139 to which cancelled stamps are attached will be disposed of as provided in §§ 192.146 and 192.147, one copy will be attached to Form 103 by the brewer at the time of transmittal of the latter form to the district supervisor and the remaining copy will be retained by the brewer as a part of his Government record to be kept available for inspection for a period of four years. The quantity

of beer received from the brewery will be reported on the basis of meter readings as shown by the continuous counter. The set-back counter may be used by the brewer for checking continuous counter readings, and upon completion of the day's run it must be set at zero. Entries in the return as to quantities of beer bottled and entries as to quantities removed for a taxable purpose must be supported by accurate and complete records.

(Sec. 3176, I. R. C.)

§ 192.259b *Inventory of beer in bottling house.* An actual inventory of bulk and bottled beer in the brewery bottling house shall be established as frequently as the brewer's operations may permit, and in any event shall be taken at least once during each calendar month. If the quantities of bulk and bottled beer shown by actual inventory as being on hand are less than the quantities indicated by brewery records as being on hand, the difference must be reported in the "Statement of Transactions in Fermented Liquor" on Form 103 as a shortage disclosed by actual inventory. If the inventory discloses that the quantities actually on hand are greater than the quantities indicated by brewery records as being on hand, the difference must be reported in the "Statement of Transactions in Fermented Liquor" on Form 103 as an overage disclosed by actual inventory. The quantities shown as on hand by actual inventory will also be reported on Form 103. Work sheets used in establishing an actual inventory will be appropriately identified and retained on the brewery premises available for examination by Government officers. Undelivered taxpaid beer temporarily held in the brewery bottling house and cereal beverage will be inventoried at the same time and reported on separate inventories, but the totals thereof will not be included in the above inventory.

(Sec. 3176, I. R. C.)

§ 192.259c *Brewery bottling house losses.* Where a brewer desires to keep shortages disclosed by actual inventory at a minimum by taking credit currently for actual losses sustained in the brewery bottling house due to breakage, casualty or other unusual cause, a record of daily losses showing the cause or causes thereof must be maintained by the brewer available for ready examination by Government officers: *Provided,* That where a loss in a substantial amount is sustained due to a casualty, an immediate report thereof must be made to the district supervisor, or to an inspector if one is at the brewery premises at the time the casualty is discovered. The district supervisor will cause such investigation to be made as the facts and circumstances warrant. Where the extent of a loss is established, the quantity will be reported in the "Statement of Transactions in Fermented Liquor" on Form 103.

(Sec. 3176, I. R. C.)

§ 192.259d *Purchase record.* Purchase invoices for brewing materials received by the brewer shall be maintained for ready examinations by Government officers at any time within the succeeding four years.

(Sec. 3176, I. R. C.)

§ 192.259e *Production record.* Each brewer shall keep a daily record of each brew showing the business day on which the brew was started, the quantities of materials used therein by kinds, the quantity of wort produced therefrom as determined by actual measurement in the settling tank, and the balling of such wort. The quantity of water, if any, added after production has been determined, shall also be entered in this record. The record shall be permanently filed at the brewery and kept available for inspection by Government officers for a period of four years.

(Sec. 3176, I. R. C.)

§ 192.259f *Removal record.* Each brewer must keep at the brewery premises a daily summary record of the removals of bottled beer and cereal beverage by kind, number and size of container (if cases, the number and size of bottles or cans). This record must show the quantities of such liquors removed from the brewery premises, the quantities sold or exported, and the quantities lost by breakage or otherwise after removal while still in the brewer's possession. The record must also show the quantities of fermented liquor and cereal beverage on hand in off-premises storage: *Provided,* That this requirement shall not be applicable where the brewer maintains at the off-premises place of storage, available for examination, a complete record of receipts and sales at such premises. No separate record need be set up to comply with this section if current commercial records kept by the brewer showing the required data are summarized to reflect the totals of each day's transactions in a manner satisfactory to the district supervisor. Such records must be held available for inspection by Government officers for a period of four years.

(Sec. 3176, I. R. C.)

§ 192.259g *Timely entry in records.* Unless otherwise specifically prescribed in the regulations in this part, all entries in records, reports, and returns shall be made not later than the close of the business day next succeeding the day on which the transactions occur.

(Sec. 3176, I. R. C.)

§ 192.259h *Destruction or return of brewery.*—(a) *Application.* When a brewer has beer in the brewery bottling house which he desires to destroy, or if he has beer in the brewery bottling house which requires recarbonation or reconditioning and must therefore be returned to the brewery, he shall make written application in triplicate, to the district supervisor, stating the approximate quantity of such beer and whether he desires to destroy it or return it to the brewery: *Provided,* That such application may be submitted directly to an inspector at the brewery premises, who may thereupon supervise the destruction or return of the beer. Upon destruction or return to the brewery, the quantity of beer so disposed of must be reported in the "Statement of Transactions in Fermented Liquor" on Form 103.

(b) *Action by district supervisor.* Upon receipt of an application the district supervisor will detail an officer to supervise the destruction of the beer in the brewery bottling house or return to the brewery.

(c) *Action by inspector.* Upon supervising the destruction or return of beer pursuant to the brewer's application and entering on all copies of the application, or an appendage thereto, the date of destruction or return and the actual quantity of beer involved, the inspector will return one copy of the completed application to the brewer for inclusion in his permanent file of Forms 103, forward one copy to the district supervisor, and place the remaining copy in the Government cabinet.

(Sec. 3176, I. R. C.)

§ 192.259i *General.* Forms 27–C, 66, 103, and 139 shall contain or be verified by a written declaration that they are made under the penalties of perjury.

(Sec. 3809, I. R. C.)

§ 192.261 *Monthly reports.* The district supervisor shall, after audit, and on or before the last day of the month succeeding the rendition thereof, forward to the Commissioner the returns, on Form 103, rendered by the respective brewers.

(Sec. 3176, I. R. C.)

§ 192.266 *Evidence of use.* When fermented liquor has been laden on board a vessel or aircraft for use as ship's supplies or supplies for aircraft, there must be submitted to the district supervisor within six months (or such additional extensions of time as may be granted by the district supervisor or the Commissioner), an affidavit of the master or other officer of the vessel or aircraft on which the articles were laden, having knowledge of the facts, showing that the fermented malt liquor has been used on board the vessel or aircraft, and that no portion thereof has been unladen in the United States or any of its possessions: *Provided,* That in the case of any shipment the tax on which does not exceed $100, such affidavit will not be required. In the case of vessels of war, such affidavit will not be required.

(Sec. 3176, I. R. C.)

5. These amendments are made for the purpose of enabling the bottling of beer and other fermented liquor before tax-payment and to otherwise make the regulations conform to the provisions of law extending the brewery premises to include the brewery bottling house.

6. These regulations shall be effective on March 1, 1950.

(53 Stat. 375, 467; 26 U. S. C. 3176, 3791. Statutory provisions interpreted or applied are cited to text in parentheses)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: January 25, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50–841; Filed, Jan. 30, 1950; 8:51 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

PART 13—ADMISSION, GUIDE, ELEVATOR, AND AUTOMOBILE FEES

PART 20—SPECIAL REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Paragraph (c), § 1.6 *Bathing*, is revoked.

2. Paragraph (e), § 1.9 *Protection of wildlife*, is revoked.

3. Section 13.4 *Guide and elevator fees for Carlsbad Caverns*, is amended to read as follows:

§ 13.4 *Guide and elevator fees for Carlsbad Caverns.* In Carlsbad Caverns National Park, no person or persons shall be permitted to enter the caverns unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which a fee of $1 shall be charged each person entering the caverns. The fee charged shall include the use of the elevator.

4. Section 13.5 *Guide and elevator fees for Wind Cave*, is amended to read as follows:

§ 13.5 *Guide and elevator fees for Wind Cave.* In Wind Cave National Park, no person or persons shall be permitted to enter the cave unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which a fee of 50 cents shall be charged each person entering the cave. The fee charged shall include the use of the elevator.

5. Section 13.10 *Guide fees for Timpanogos Cave National Monument*, is amended to read as follows:

§ 13.10 *Guide fee for Timpanogos Cave.* In Timpanogos Cave National Monument, no person or persons shall be permitted to enter the cave unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which a fee of 50 cents shall be charged each person entering the cave.

6. Paragraph (b), § 13.12 *Elevator fees; miscellaneous*, is amended to read as follows:

(b) A fee of 25 cents shall be charged each person using the elevator in the Perry's Victory and International Peace Memorial: *Provided*, That organized groups of persons from clubs, associations, etc., may be granted a special rate of 10 cents per person.

7. Section 13.13 *Admission fees; miscellaneous*, is amended as follows:

Paragraph (a) is amended by deleting therefrom the following:

George Washington Birthplace National Monument: Fee $0.10.

Paragraph (b) is amended by deleting therefrom the following:

Vicksburg National Military Park—Museum: Fee $0.10.

8. Section 13.16 *Guide fees for Mammoth Cave*, is amended to read as follows:

§ 13.16 *Guide fees for Mammoth Cave.* In Mammoth Cave National Park, no person shall be permitted to enter the cave unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which fees shall be charged as follows:

Route	Fee per person
No. 1—Echo River	$1.00
No. 2—Frozen Niagara	1.00
No. 3—Historical	1.00
No. 4—All day	2.00

9. Subparagraphs (1), (3) and (4), paragraph (b), § 20.7 *Rocky Mountain National Park*, are amended to read as follows:

(1) Fishing shall be done in conformity with the laws and regulations of the State of Colorado regarding hours for fishing, minimum size limits, and the method of handling and returning undersized fish to the water. The opening date of the fishing season shall conform to that established by the State of Colorado, but the closing date shall be September 30.

(3) The use of minnows, small fish, or eggs, of any kind or type, as bait, or the release or freeing thereof, in any of the waters of the Park is prohibited.

(4) The number of fish that may be taken by any person in any one day is limited to 10 fish (not exceeding a total of 10 pounds). The possession of more than one day's catch by any person at any one time is prohibited.

Paragraph (f), reading as follows, is added to § 20.7:

(f) *Report of accidents by wrecker operators.* Before the operator of a commercial wrecking car shall attempt to remove any vehicle involved in an accident within the Park, he shall take reasonable steps to ascertain whether any of the persons involved in the accident have reported it to the appropriate Park authority and if he fails to ascertain that a report of the accident has been made, he shall report the accident to the nearest Park authority before disturbing or removing any of the vehicles, equipment, or materials involved in the accident, except when the removal thereof is necessary to save human life or to prevent the further destruction of property.

10. Subparagraph (11), reading as follows, is added to paragraph (d), § 20.13 *Yellowstone National Park:*

(11) *Restricted waters.* The operation of any boat, canoe, raft, or other floating craft on Park streams (as distinguished from lakes) is prohibited, except on (i) the channel between Lewis Lake and Shoshone Lake, and (ii) the Yellowstone River from the outlet of Yellowstone Lake to a point 300 yards below Fishing Bridge. This restriction shall not apply to craft operated for administrative purposes or in emergencies.

Subparagraphs 4 and 6, paragraph (e), § 20.13 *Yellowstone National Park*, are amended to read as follows:

(4) *Closed waters.* The following waters of the Park are closed to fishing:

Indian Creek.
Panther Creek.
Duck Lake.
Riddle Lake.
Trout Lake.
Buck Lake.
Shrimp Lake.
Grebe Lake.
Wolf Lake.
Mammoth Water Supply Reservoir.
Firehole River, from the Old Faithful water supply intake to the Shoshone Lake trail crossing above Lone Star Geyser.
Gardiner River, for its entire length above the Mammoth water supply intake.
Glen Creek, for its entire length above the Mammoth water supply reservoir intake.
All streams trapped for egg-taking purposes are closed from the mouths of such streams to a distance of three miles above the traps during the spawning season.

(6) *Restrictions on use of bait and lures.* (i) No salmon eggs or other fish eggs, either fresh or preserved, shall be used as bait. The possession of such salmon eggs or other fish eggs is prohibited within the Park.

(ii) Only artificial flies or single baited hooks may be used in the Madison and Firehole Rivers. The use of any other lures, such as spinners, spoons, wobblers, plugs, or any single lure with more than one hook is prohibited.

11. Section 20.15 *Shenandoah National Park*, is amended to read as follows:

§ 20.15 *Shenandoah National Park*—(a) *Fishing*—(1) *Applicability of regulations.* The regulations in this chapter shall govern fishing on those portions of all streams lying wholly within the Park, including those portions of the Conway River, the Rapidan River, and the North and South Forks of the Moorman's River. Along those portions of the streams which follow the boundary line of the Park, the State of Virginia laws and regulations governing fishing shall apply.

(2) *Closed waters.* (i) All waters in the Park are open to trout fishing.

(ii) Fishing for all other types of fish in the waters of the Park is prohibtied.

(3) *Season.* The fishing season shall be from sunrise on April 20 to sunset on July 10. Fishing is prohibited within the Park during the hours from sunset to sunrise.

(4) *Size limit.* Fish under 7 inches in length shall not be retained unless seriously injured in catching. All undersized fish not seriously injured in catching shall be immediately and carefully returned to the water. All undersized fish which are seriously injured in catching shall be retained and shall constitute a part of the catch.

(5) *Limit of catch.* The limit of catch per day by each person fishing shall not exceed 10 fish, including undersized fish retained because of serious injury in catching.

(6) *Bait.* Only artificial lures shall be used, such as artificial flies or bugs. No

spinner or other lure with more than one hook is permitted.

(7) *State license.* The Park as such does not charge for fishing, but persons fishing in the Park must first procure an appropriate State fishing license issued by the State of Virginia.

12. Subparagraph (4), reading as follows, is added to paragraph (b), § 20.22 *Grand Teton National Park:*

(4) Cottonwood Creek from a point 100 feet above the boat dock bridge to the Park boundary is closed to fishing.

13. Subparagraph (2), paragraph (a), § 20.28 *Olympic National Park*, is amended to read as follows:

(2) The following streams are open to fishing for steelheads only from the first Sunday of December to February 28, inclusive; all tributaries thereof are closed, except as otherwise indicated:

Bogachiel River.
Dosewallips River to Falls.
Queets River.
Calawah River.
Hoh River, including the South Fork.
Quinault River, including the North and East Forks.
Soleduck River, including the North Fork.

Paragraph (d), § 20.28, is amended to read as follows:

(d) *Fishing; limit of catch and in possession.* (1) The limit of catch per person per day shall not exceed 10 fish, or 10 pounds of fish and 1 fish, except as otherwise provided.

(2) Between the first Sunday of December and February 28, inclusive, the limit of catch of steelheads shall not exceed 3 fish per person per day or 6 fish per week.

(3) The limit of catch per person per day in Lake Crescent shall not exceed 5 fish, of which no more than 1 fish may exceed 18 inches in length.

(4) Possession of more than 1 day's catch limit by any person at any one time is prohibited.

14. Section 20.34 *Blue Ridge Parkway*, is amended as follows:

Paragraph (a) *Speed*, is amended to read as follows:

(a) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government vehicles on emergency trips, shall not exceed 45 miles per hour.

Paragraph (d), reading as follows, is added to § 20.34:

(d) *Parking and crossing permits for hunters.* During the hunting seasons prescribed by the States of North Carolina and Virginia between the dates of October 16 and January 31 hunters may, under permits issued by the superintendent, park vehicles in designated parking areas and cross Parkway lands from and to their vehicles with dogs on leash, firearms with breach or chamber open, and wildlife lawfully killed on lands adjacent to the Parkway.

15. Section 20.39 *Mesa Verde National Park*, is amended to read as follows:

§ 20.39 *Mesa Verde National Park*—(a) *Hospital charges.* (1) Services rendered at the Aileen Nusbaum Hospital shall be charged for at the following rates:

(i) First aid and dispensary: Ward bed, including ordinary drugs, or small dressings, and 8 hours of general nursing service per day	$5.00
(ii) Laboratory:	
Urinalysis, chemical only	1.00
Urinalysis, microscopic only	1.00
White blood count	1.00
Red blood count	1.00
Hemoglobin	1.00
Differential	2.00
Complete count with differential	4.00

(2) The above-mentioned rates shall be subject to the following discounts:

(i) Employees of the National Park Service and the dependent members of their families, 66⅔ per cent. No charge will be made for the first 24 hours of hospitalization, except for services furnished in excess of those normally provided.

(ii) Residents of the Park not employed by the National Park Service and dependent members of their families, 33⅓ per cent.

(3) Minor dispensary services will be rendered to all residents of the Park without charge.

(4) The provision of the laboratory services enumerated above shall be optional with the Superintendent, depending upon equipment and supplies available for the rendering of such services.

(5) The above-mentioned charges do not include meals or the services of a physician, which must be arranged for by patients at their own expense.

(6) Patients requiring greater care or service than normally furnished at the hospital must employ a special nurse or attendant.

(7) Since the facilities at the hospital are inadequate for general hospitalization, patients requiring such hospitalization should be under a physician's care and must arrange for transfer to another hospital. The superintendent may waive this requirement in his discretion, or when the physical condition of the patient renders it necessary.

(8) Residence calls will be made by the nurse only when the condition of hospitalized patients permits her absence from the hospital.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 24th day of January 1950.

[SEAL] C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

[F. R. Doc. 50-823; Filed, Jan. 30, 1950; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

BRAZIL

In § 127.219 *Brazil* (13 F. R. 9120) amend paragraph (b) (1) by the addition of subdivision (ii) to read as follows:

(ii) *Air parcels.* (Effective February 1, 1950).

Lb.	Oz.	Rate	Lb.	Oz.	Rate
0	4	$1.48	22	4	$57.80
0	8	2.12	22	8	58.44
0	12	2.76	22	12	59.08
1	0	3.40	23	0	59.72
1	4	4.04	23	4	60.36
1	8	4.68	23	8	61.00
1	12	5.32	23	12	61.64
2	0	5.96	24	0	62.28
2	4	6.60	24	4	62.92
2	8	7.24	24	8	63.56
2	12	7.88	24	12	64.20
3	0	8.52	25	0	64.84
3	4	9.16	25	4	65.48
3	8	9.80	25	8	66.12
3	12	10.44	25	12	66.76
4	0	11.08	26	0	67.40
4	4	11.72	26	4	68.04
4	8	12.36	26	8	68.68
4	12	13.00	26	12	69.32
5	0	13.64	27	0	69.96
5	4	14.28	27	4	70.60
5	8	14.92	27	8	71.24
5	12	15.56	27	12	71.88
6	0	16.20	28	0	72.52
6	4	16.84	28	4	73.16
6	8	17.48	28	8	73.80
6	12	18.12	28	12	74.44
7	0	18.76	29	0	75.08
7	4	19.40	29	4	75.72
7	8	20.04	29	8	76.36
7	12	20.68	29	12	77.00
8	0	21.32	30	0	77.64
8	4	21.96	30	4	78.28
8	8	22.60	30	8	78.92
8	12	23.24	30	12	79.56
9	0	23.88	31	0	80.20
9	4	24.52	31	4	80.84
9	8	25.16	31	8	81.48
9	12	25.80	31	12	82.12
10	0	26.44	32	0	82.76
10	4	27.08	32	4	83.40
10	8	27.72	32	8	84.04
10	12	28.36	32	12	84.68
11	0	29.00	33	0	85.32
11	4	29.64	33	4	85.96
11	8	30.28	33	8	86.60
11	12	30.92	33	12	87.24
12	0	31.56	34	0	87.88
12	4	32.20	34	4	88.52
12	8	32.84	34	8	89.16
12	12	33.48	34	12	89.80
13	0	34.12	35	0	90.44
13	4	34.76	35	4	91.08
13	8	35.40	35	8	91.72
13	12	36.04	35	12	92.36
14	0	36.68	36	0	93.00
14	4	37.32	36	4	93.64
14	8	37.96	36	8	94.28
14	12	38.60	36	12	94.92
15	0	39.24	37	0	95.56
15	4	39.88	37	4	96.20
15	8	40.52	37	8	96.84
15	12	41.16	37	12	97.48
16	0	41.80	38	0	98.12
16	4	42.44	38	4	98.76
16	8	43.08	38	8	99.40
16	12	43.72	38	12	100.04
17	0	44.36	39	0	100.68
17	4	45.00	39	4	101.32
17	8	45.64	39	8	101.96
17	12	46.28	39	12	102.60
18	0	46.92	40	0	103.24
18	4	47.56	40	4	103.88
18	8	48.20	40	8	104.52
18	12	48.84	40	12	105.16
19	0	49.48	41	0	105.80
19	4	50.12	41	4	106.44
19	8	50.76	41	8	107.08
19	12	51.40	41	12	107.72
20	0	52.04	42	0	108.36
20	4	52.68	42	4	109.00
20	8	53.32	42	8	109.64
20	12	53.96	42	12	110.28
21	0	54.60	43	0	110.92
21	4	55.24	43	4	111.56
21	8	55.88	43	8	112.20
21	12	56.52	43	12	112.84
22	0	57.16	44	0	113.48

Each air parcel and the relative dispatch note must have affixed the blue Par Avion Label (Form 2978). (See § 127.55 (b).)

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-830; Filed, Jan. 30, 1950; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 51]

UNITED STATES STANDARDS FOR GREEN TOMATOES FOR PROCESSING

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Green Tomatoes for Processing under the authority contained in the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., approved June 29, 1949.)

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Assistant Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the 30th day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.421 *Standards for green tomatoes for processing*—(a) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 shall consist of tomatoes which are green in color, fairly firm, free from decay, stems and worms, and are free from damage caused by growth cracks, worm holes, scars, catfaces, sunburn, sunscald, freezing, disease, or mechanical or other means. (See minimum size.)

(2) *U. S. No. 2.* U. S. No. 2 shall consist of tomatoes which do not meet the requirements of the foregoing grade, but are green in color, and are free from worms, and from damage caused by worm holes, and which are free from serious damage by any cause. (See minimum size.)

(b) *Culls.* Culls are tomatoes which fail to meet the requirements of either of the foregoing grades.

(c) *Minimum size.* The minimum size may be fixed by agreement between buyer and seller. Tomatoes below the specified minimum size shall be classed as Culls.

(d) *Definitions.* (1) "Green in color" means that the surface of the tomato shows no pink or red color.

(2) "Damage" means any injury which cannot be removed in the ordinary process of trimming without a loss of more than 10 percent, by weight, of the tomato in excess of that which would occur if the tomato were perfect. The following shall be considered damage:

(i) Worm holes, when the injury has penetrated beneath the outer wall of the tomato to the extent that the injury has damaged the tomato for processing.

(3) "Serious damage" means any injury which cannot be removed in the ordinary process of trimming without a loss of more than 20 percent, by weight, of the tomato in excess of that which would occur if the tomato were perfect.

Done at Washington, D. C., the 26th day of January 1950.

[SEAL] ROY W. LENNARTSON,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-867; Filed, Jan. 30, 1950; 8:58 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 13140]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JANUARY 25, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (48 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 2 S., R. 2 W.,
Sec. 14, NE¼.
T. 5 N., R. 1 W.,
Sec. 19, lots 3, 4, E½SW¼, and E½.
T. 16 N., R. 14 W.,
Sec. 7, lots 1, 2, 3, 4, SE¼NW¼, and E½SW¼;
Sec. 19, lots 1, 2, 3, 4, and E½W½;
Sec. 25, S½;
Sec. 31, lots 1, 2, 4, NE¼, E½NW¼, SE¼SW¼, W½SE¼, and SE¼SE¼.
T. 16 N., R. 15 W.,
Sec. 1, lot 4;
Sec. 13, all;
Sec. 25, NE¼NE¼, S½NE¼, and SE¼.
T. 23 N., R. 19 W.,
Sec. 1, lots 1, 5, 6, and 7;
Sec. 13, SW¼SW¼.
T. 24 N., R. 21 W.,
Sec. 35, W½SW¼ and SE¼SW¼.
T. 30 N., R. 17 W.,
Sec. 29, W½W½.
T. 41 N., R. 1 E.,
Sec. 20, SE¼;
Sec. 21, SE¼;
Sec. 29, E½.

The areas described aggregate 3,925.56 acres.

The lands are primarily suitable for grazing.

The W½W½ sec. 29, T. 30 N., R. 17 W. is included in a first form reclamation withdrawal. No application under the public-land laws may be allowed without the approval of the Commissioner of the Bureau of Reclamation.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, 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.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All appplications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based

and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office at Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that Title.

Inquiries concerning these lands shall be addressed to Manager, Land and Survey Office, Phoenix, Arizona.

ROSCOE E. BELL,
Associate Director.

[F. R. Doc. 50-820; Filed, Jan. 30, 1950; 8:45 a. m.]

[Misc. 2087879]

FLORIDA

SMALL TRACT CLASSIFICATION ORDER NO. 9

JANUARY 24, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by subparagraph (3) of paragraph (a) of Order No. 319 of July 19, 1948 (13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, for lease and sale for all purposes mentioned in the act except business, the public lands described as follows:

TALLAHASSEE MERIDIAN

T. 67 S., R. 27 E.,
Sec. 13, lots 3 to 12, inclusive,
Sec. 14, lots 4 to 37, inclusive, lot 39.

The lands will be leased and sold by the subdivisions designated on the dependent plats of resurvey and subdivisions filed January 23, 1950.

The land is located on Sugar Loaf Key, a small key lying between the Atlantic Ocean and the Gulf of Mexico. The Old Overseas Highway runs through the land and is connected by a good road with the New Overseas Highway, which runs from the mainland south of Homestead, Florida, to Key West. The latter town is approximately 18 miles to the southwest. The location of the land affords recreational advantages for fishing and boating, but due to the coral beach and shallow water is less desirable for bathing.

2. As to applications regularly filed prior to 8:30 a. m., September 9, 1946, and are for the type of site for which the land is classified, this order shall become effective immediately.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not otherwise become effective to change the status of the lands until 10:00 a. m., on the 35th day after the date of this order. At that time the land shall, subject to valid existing rights, become subject to application as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the lands affected by this order shall be subject to application by qualified veterans of World War II. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the 35th day, shall be considered in the order of filing.

(b) Commencing at 10:00 a. m., on the 126th day after the date of this order, any lands remaining shall become subject to application under the Small Tract Act by the public generally. All such applications filed either at or before 10:00 a. m., on the 126th day, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostat, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of any facts upon which the claim for preference is based and which shown clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

4. Leases will be issued for a period of five years, at an annual rental of $5.00, payable for the entire lease period, in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value stated therein, application for which may be filed at or after the expiration of one year from the date the lease is issued.

5. The tracts leased will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

6. All inquiries relating to these lands should be addressed to the Regional Administrator, Region VI, Bureau of Land Management, Washington 25, D. C.

A. H. FURR,
Acting Regional Administrator, Region VI.

[F. R. Doc. 50-821; Filed, Jan. 30, 1950; 8:45 a. m.]

[Order 411]

AUTHORITY OF REGIONAL ADMINISTRATORS TO ACT IN TRESPASS CASES

JANUARY 24, 1950.

Subparagraph 83 of Order No. 363 of January 5, 1949, is amended by deleting the last sentence thereof. The subparagraph as amended reads as follows:

(83) Determine the liability for trespass on the public lands in their respective regions in accordance with the rules set forth in 43 CFR, Part 288, and the applicable court and departmental decisions, and demand and accept payment of the amount determined to be due by reason of such trespass.

The order of the Director of Grazing of December 28, 1945 (M-71, M-Trespass-Procedure) is hereby revoked so far as it limits the authority of the regional administrators in grazing trespass cases to the acceptance of propositions of settlement of $500 or less.

ROSCOE E. BELL,
Associate Director.

[F. R. Doc. 50-822; Filed, Jan. 30, 1950; 8:45 a. m.]

Bureau of Reclamation

[Public Notice No. 6, Amdt.]

YUMA MESA DIVISION, GILA IRRIGATION PROJECT, ARIZONA

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGE

JANUARY 9, 1950.

In accordance with the authority delegated to the Regional Director pursuant to the act of June 17, 1902 (32 Stat. 388), as amended or supplemented, the following amendment is made to Public Notice No. 6, Public Notice of Annual Water Rental Charge, issued January 3, 1949:

Paragraph 2 (c) (ii), Charges and terms of payment, for the remaining lands in the Yuma Mesa Division, is amended to read as follows:

If applicant so requests, one-half of said minimum charge may be paid on January 1 or at such time prior to July 1 as the application for temporary water service may be filed, which, upon approval, shall entitle the applicant to 4 acre-feet of water per acre. The balance of said minimum charge shall be paid on July 1, or at such time as applicant requires more than 4 acre-feet of water, whichever is sooner, which shall entitle the applicant to an additional 4 acre-feet of water per acre. Water in excess of 8

acre-feet will be furnished at the rate of $0.85 per acre-foot.

E. A. MORITZ,
Regional Director.

[F. R. Doc. 50-824; Filed, Jan. 30, 1950; 8:46 a. m.]

[Public Notice No. 7]

YUMA MESA DIVISION, GILA PROJECT, ARIZONA

PUBLIC NOTICE ANNOUNCING AVAILABILITY OF WATER FOR CERTAIN DESERT LAND ENTRIES AND PRIVATE LANDS

1. *Lands for which water will be available.* It is hereby announced that in pursuance of the act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof and supplementary thereto, and in accordance with the terms, conditions, and charges herein provided, water will be available from and after ten days from the date of this notice for certain irrigable lands on the Yuma Mesa Division of the Gila Project, as shown on approved farm unit plats on file in the office of the Superintendent, Gila Project, Bureau of Reclamation, Yuma, Arizona, and in the District Land Office at Phoenix, Arizona. The lands to which this notice pertains are described as follows:

DESERT LAND ENTRIES

GILA AND SALT RIVER MERIDIAN, ARIZONA

Section	Farm unit	Description	Total irrigable acres
		Township 9 South, Range 23 West	
3	A	W½SW¼ Sec. 3, W½NW¼ Sec. 10	63.84
30	A	SE¼	79.63
		Township 10 South, Range 23 West	
11	A	NW¼NE¼, E½NE¼ and NE¼SE¼	141.36

PRIVATE LAND

Section	Description	Total irrigable acres
	Township 9 South, Range 23 West	
1	NE¼SE¼	37.89
	NW¼SE¼	37.10
	SW¼SE¼	37.25
	SE¼SE¼	32.40
3	SW¼SW¼	33.43
	SE¼SW¼	34.09

2. *Construction and other charges.* The Reclamation Law provides that, except during a "development period" fixed by the Secretary of the Interior, water may not be delivered for the irrigation of lands until an organization, satisfactory in form and powers to the Secretary, has entered into a contract with the United States providing for the repayment of the project construction and other costs allocated to such irrigated lands. Pursuant to sections 2 (j) and 7 (b) of the Reclamation Project Act of 1939, the lands described in section 1 of this public notice are hereby designated a development unit. The development period for the lands so designated is hereby fixed at a period of ten years from and including the first year in which water is delivered. The inclusion of all of the lands described in section 1 within an organization of the type described and the execution by such organization of a contract covering the repayment of the construction and other costs allocated to such lands are prerequisites to the delivery of water to such lands after the expiration of the development period.

a. *Irrigation charges.* The following irrigation charges shall be applicable from and after ten days from the date of this notice and thereafter until further notice:

(1) For those lands described in section 1, irrigated before July 1 of any year, the minimum charge shall be $6 per acre for each acre of land for which water service is requested, payment of which will entitle the applicant to 8 acre-feet of water per acre, provided he is not in default in compliance with any requirement imposed by or pursuant to this public notice. Additional water will be furnished at the rate of $0.85 per acre-foot.

(2) For those lands described in section 1, not irrigated before July 1 of any year but receiving water after that date, there will be a charge of $0.75 per acre-foot for the first 4 acre-feet of water ordered during that year and a charge of $0.85 per acre-foot for all additional water ordered during that year.

(3) The foregoing charges are subject to all provisions of the Federal Reclamation Law relative to collections and penalties for delinquencies. The charges will be paid at the office of the Superintendent, Gila Project, Bureau of Reclamation, Yuma, Arizona.

b. *Construction charges.* Because construction is not completed, and because the ultimate acreage that is to be irrigated is not determinable at this time, the per-acre construction charges will be announced formally in a subsequent public notice. Repayment of construction charges as later determined and announced by the Secretary of the Interior will be made over a period of 60 years following a development period of 10 years for both public and private lands. A repayment contract will be negotiated with the organization representing the water users prior to the termination of the 10-year development period.

3. Among the laws and regulations applicable to the above-mentioned desert-land entries is section 5 of the act of June 27, 1906 (34 Stat. 520), as amended by the act of June 6, 1930 (46 Stat. 502), which provides, in part, as follows:

* * * if the reclamation project is carried to completion so as to make available a water supply for the land embraced in any such desert-land entry the entryman shall thereupon comply with all the provisions of the aforesaid action [act] of June 17, 1902, and shall relinquish within a reasonable time after notice as the Secretary may prescribe and not less than two years all land embraced within his desert-land entry in excess of one farm unit, as determined by the Secretary of the Interior, and as to such retained farm unit he shall be entitled to make final proof and obtain patent upon compliance with the regulations of said Secretary applicable to the remainder of the irrigable land of the project and with the terms of payment prescribed in said act of June 17, 1902, and not otherwise. But nothing herein contained shall be held to require a desert-land entryman who owns a water right and reclaims the land embraced in his entry to accept the conditions of said reclamation act.

4. The boundaries of each of the desert-land entry farm units covered by this notice are hereby established pursuant to the provisions of law quoted in the foregoing section. The maximum acreage of land in private ownership for which application for delivery of water may be made is 160 acres of irrigable land for each landowner.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

JANUARY 12, 1950.

[F. R. Doc. 50-825; Filed, Jan. 30, 1950; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 73]

COAL EXPORT CORP.

ORDER SUSPENDING LICENSE PRIVILEGES

This proceeding was begun on October 17, 1949 by the transmission of a charging letter to the above-named respondent, wherein the Office of International Trade charged respondent with having violated the Export Control Act of 1949 and the regulations promulgated thereunder, by making applications, in March 1949, for two export licenses for shipment, respectively, of 448,000 pounds of Betanaphtol and 896,000 pounds of Phenylbetanaphtylamine, to a named consignee in Holland, which applications contained certain false certifications to the effect that the named consignee in Holland was the ultimate consignee and that Holland was the country of ultimate destination, whereas respondent knew and intended, or from information in its possession should have known, that the true ultimate consignee was in Germany and that transshipment would take place from Holland to Germany as the country of ultimate destination.

It appears that the above-named respondent, after receiving the above-mentioned charging letter, submitted to the Office of International Trade, with the advice of counsel and through such counsel, a statement to the effect that it admitted, for the purposes of this compliance proceeding only, the charges made in said charging letter of October 17, 1949, that it waived all right to a hearing on such charges, and that it consented to the entry of an order (1) revoking all outstanding export licenses issued to it, (2) denying to it the right to obtain or use or to participate directly or indirectly in the obtaining or using of validated export licenses for the export of any and all coal tar products appearing on the Positive List of Commodities under Schedule B Numbers 800600 through 806930, inclusive, for a period of 90 days from the date of such order, (3) extending such order to any person, firm, corporation or other business organization with which respondent corporation

may be related by ownership, control or other connection in the export of such coal tar products, and (4) that respondent corporation will submit to the Office of International Trade a report of all exports, not prohibited by the terms of such order, effected by respondent during each calendar month of the effective period of such order.

It further appears that the investigation report and other evidentiary material in the possession of the Office of International Trade, together with the above-mentioned proposal for a consent order, have been submitted to the Compliance Commissioner for review; that upon the basis of such review he has found that, while the first of the above described export license applications appears to have been submitted before respondent received information of intended transshipment from Holland to Germany, such information was in the possession of respondent prior to the filing of the second export license application; that respondent, after obtaining such information, took no action to amend or withdraw said applications or to communicate such information to the Office of International Trade; that respondent thus knowingly falsified the second application, and continued in effect the false representations in both applications after learning of their falsity, for the purpose of securing the issuance of export licenses; but that no export licenses were issued nor shipments made pursuant to said applications.

The Compliance Commissioner has accordingly found, to the extent above indicated, that the charges as set forth in the charging letter with regard to respondent corporation are supported by the evidence, that the terms and conditions of the proposed order as consented to by respondent are fair and reasonable, and that such order should be issued.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the above described evidentiary material, and it appears that such findings are in accordance with the evidence and that such recommendations are reasonable and should be adopted. Now, therefore, it is ordered as follows:

(1) All outstanding export licenses issued to respondent corporation are hereby revoked and shall be returned forthwith to the Office of International Trade for cancellation.

(2) Respondent corporation is hereby denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of validated export licenses for the shipment of any and all coal tar products included in the Positive List of Commodities under Schedule B Numbers 800600 through 806930, inclusive, as such list as promulgated by the Office of International Trade may exist at the time of any proposed shipment, for a period of 90 days from the date of this order.

(3) Such denial of validated export license privileges shall extend not only to respondent corporation but also to any person, firm, corporation or other business organization with which said respondent may be related by ownership, control or other connection in the export of such coal tar products.

(4) Respondent shall furnish the Director, Enforcement Staff, Office of International Trade, with reports of all exports, indicating commodity, quantity and destination, made by it during each calendar month while this suspension order remains in effect, such reports to be submitted within 10 days after the close of each such calendar month.

Dated: January 26, 1950.

JAMES C. FOSTER,
Director,
Commodities Division.

[F. R. Doc. 50-842; Filed, Jan. 30, 1950; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8855]

SHELBY BROADCASTING CO.

NOTICE OF PLACE OF HEARING

In re application of Shelby Broadcasting Company, a partnership consisting of O. L. Parker & A. C. Childs, Center, Texas, for construction permit; Docket No. 8855, File No. BP-6572.

The further hearing on the above-entitled application presently scheduled for Tuesday, January 31, 1950, will be held at 10:00 a. m. in Court Room at Center, Texas.

Dated: January 19, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-844; Filed, Jan. 30, 1950; 8:52 a. m.]

[Docket No. 9112]

LINCOLN OPERATING CO. AND SUN COAST BROADCASTING CORP.

ORDER SETTING DATE FOR TAKING FURTHER TESTIMONY

In the matter of Lincoln Operating Company, as trustee for Sun Coast Broadcasting Corporation (Assignor), Sun Coast Broadcasting Corporation (Assignee), for assignment of construction permit of standard broadcast station WMIE, Miami, Florida; Docket No. 9112, File No. BAP-72.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 18th day of January 1950;

The Commission having under consideration a second motion filed by the Lincoln Operating Company, as Trustee for Sun Coast Broadcasting Corporation, permittee of station WMIE, Miami, Florida, requesting reconsideration of the Commission's action of August 4, 1948, designating for hearing the above-entitled application for assignment of construction permit and requesting a grant without further hearing of the said application; and

It appearing, that the first motion requesting reconsideration and grant without hearing was denied by this Commission on May 16, 1949; that thereafter a session of hearings on the application was held in Miami, Florida commencing June 28, 1949, and adjourned indefinitely to reconvene at Washington, D. C., after proper notice to the parties; and

It appearing, that the instant motion alleges that it is believed that the testimony adduced at the session of hearings already held represents all that is known to the Commission or that has been obtained as a result of the Commission's investigation which could affect the Commission's action on the application; and

It further appearing, that the first issue in the order designating the above-entitled application for hearing indicates the Commission must determine whether Arthur B. McBride and Daniel Sherby, stockholders in the proposed assignee, are legally and financially qualified to be stockholders in a broadcast licensee; that complete testimony on this issue has not been adduced; and that in the circumstances the Commission is unable to determine that a grant of the above-entitled application would be in the public interest without further adducing direct testimony by qualified witnesses;

It is ordered, That the second motion for reconsideration and grant without hearing filed by the Lincoln Operating Company, as Trustee for Sun Coast Broadcasting Corporation in the above-entitled matter is denied.

It is further ordered, That the above designated proceeding be reconvened for the purpose of taking further testimony at Miami, Florida, at 10:00 a. m. on February 14, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-846; Filed, Jan. 30, 1950; 8:52 a. m.]

[Docket Nos. 9230, 9567]

COSTON-TOMPKINS BROADCASTING CO. AND DAVID W. JEFFRIES

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of James Goodrich Coston and Julian Lanier Tompkins tr/as Coston-Tompkins Broadcasting Company, Ironton, Ohio, Docket No. 9230, File No. BP-6902; David W. Jeffries, Ironton, Ohio, Docket No. 9567, File No. BP-7427; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of January 1950;

The Commission having under consideration the above-entitled application of David W. Jeffries for a permit to construct a new standard broadcast station to operate on frequency 1230 kilocycles, with 100 watts power, unlimited time at Ironton, Ohio;

It appearing, that, the above-entitled application of Coston-Tompkins Broadcasting Company for a permit to construct a new standard broadcast station to operate on frequency 1230 kilocycles, with 100 watts power, unlimited time at Ironton, Ohio was designated for hearing February 9, 1949, on engineering issues only;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of David W. Jeffries is designated for hearing in a consolidated proceeding with the application of Coston-Tompkins Broadcasting Company on March 29, 1950, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the individual applicant and of the applicant partnership and the partners to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the areas and populations which may be expected to receive satisfactory service.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding, should be granted.

It is further ordered, That, the order of the Commission dated February 9, 1949, designating the above-entitled application of Coston-Tompkins Broadcasting Company for hearing is amended to include the application of David W. Jeffries and to revise the issues therein to include and conform with all issues specified herein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-852; Filed, Jan. 30, 1950; 8:53 a. m.]

[Docket Nos. 9360, 9361, 9568]

LAKE HURON BROADCASTING CO. (WKNX) ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of O. J. Kelchner, William J. Edwards and Howard H. Wolfe, d/b as Lake Huron Broadcasting Company (WKNX), Saginaw, Michigan, Docket No. 9360, File No. BP-6447; Booth Radio Stations, Inc., Grand Rapids, Michigan, Docket No. 9361, File No. BP-7103; WKMH, Incorporated, Jackson, Michigan, Docket No. 9568, File No. BP-7477; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 18th day of January 1950;

The Commission having under consideration the above-entitled application of WKMH, Incorporated, which requests a permit to construct a new standard broadcast station to operate on frequency 970 kilocycles, with 1 kilowatt power, unlimited time employing a directional antenna (DA-2) at Jackson, Michigan, and also having under consideration a petition filed therewith requesting that the application be designated for hearing in the consolidated proceeding on the other above-entitled applications on certain issues specified in the said petition; and

It appearing, that, June 22, 1949, the Commission designated for hearing in a consolidated proceeding the above-entitled applications of Lake Huron Broadcasting Company for a construction permit to change the power and hours of operation of Station WKNX, Saginaw, Michigan, from 1 kilowatt power, daytime only, to 1 kilowatt power DA-N, unlimited time, and of Booth Radio Stations, Incorporated for a permit to construct a new standard broadcast station to operate on frequency 970 kilocycles, with 1 kilowatt power, unlimited time employing a directional antenna (DA-2) at Grand Rapids, Michigan, and that WICA, Incorporated, licensee of Station WICA, Ashtabula, Ohio, and Rochester Broadcasting Company, licensee of Station KLER, Rochester, Minnesota, were made parties to the proceeding; and

It further appearing, that, by Commission Order of July 29, 1949, the petition of University of Wisconsin, licensee of Station WHA, Madison, Wisconsin, to intervene in the proceeding was granted and that the said hearing is presently scheduled to commence January 30, 1950, in Washington, D. C.:

It is ordered, That the said petition is granted insofar as it requests that the application of WKMH, Incorporated be designated for hearing in the above consolidated proceeding and is denied in all other respects and that, pursuant to Section 309 (a) of the Communications Act of 1934, as amended, the said application of WKMH, Incorporated is designated for hearing in the above consolidated proceeding commencing at 10:00 a. m., January 30, 1950, in Washington, D. C., before Jack P. Blume, Hearing Examiner, upon the following issues:

1. To determine the technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and the areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Stations WICA, Ashtabula, Ohio, WWJ, Detroit, Michigan, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any of the other applications in this proceeding, or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the ratio of the population residing between the normally protected and nighttime interference free contour to the population that would receive satisfactory service.

7. To determine the overlap, if any, that will exist between the proposed station and Station WKMH, Dearborn, Michigan, operating as presently licensed and operating as proposed in application File Number BP-7401, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, the Commission's order of June 22, 1949, designating for hearing the other above-entitled applications in the said consolidated proceeding is amended to include the above-entitled application of WKMH, Incorporated and to make WICA, Incorporated, licensee of Station WICA, Ashtabula, Ohio, a party to the proceeding with respect to all applications therein.

It is further ordered, That, Evening News Association, licensee of Station WWJ, Detroit, Michigan, is made a party to the proceeding with reference to the application of WKMH, Incorporated only.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-853; Filed, Jan. 30, 1950; 8:54 a. m.]

[Docket No. 9383]

JORDAPHONE CORP. OF AMERICA ET AL.

ORDER CONTINUING HEARING

Jordaphone Corporation of America and Mohawk Business Machines Corporation, Complainants, v. Amercian Telephone and Telegraph Company, et al. Defendants; Docket No. 9383.

The Commission having under consideration a petition filed January 19, 1950, by Jordaphone Corporation of America and Mohawk Business Machines Corporation, Complainants in the above-styled proceeding requesting that the hearing in the above-entitled proceeding be postponed until March 14, 1950; and

It appearing that addition time is necessary in order to prepare properly for the presentation of the testimony to cover the issues in the proceeding and that Counsel for the Defendants and the General Counsel of this Commission have consented to the postponement and agreed to waive the requirements of § 1.745;

It is ordered, This the 20th day of January 1950, that the hearing in the above-entitled proceeding, now scheduled to begin January 31, 1950, be continued to March 14, 1950, at 10:00 a. m., in the offices of the Commission in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-856; Filed, Jan. 30, 1950; 8:54 a. m.]

[Docket Nos. 9393, 9394]

KWHK BROADCASTING CO., INC. (KWHK) AND HUTCHINSON PUBLISHING CO.

ORDER CONTINUING HEARING

In re applications of KWHK Broadcasting Company, Inc. (KWHK), Hutchinson, Kansas, applicant for construction permit to change frequency, power and hours of operation and install directional antenna for night use; Docket No. 9393, File No. BP-6831. The Hutchinson Publishing Company, Hutchinson, Kansas, applicant for a construction permit for a new standard broadcast station, Docket No. 9394, File No. BP-7253.

The Commission having under consideration a joint petition filed herein on January 16, 1950, by KWHK Broadcasting Company, Inc. (KWHK) and The Hutchinson Publishing Company, parties to the consolidated proceeding herein, requesting that the hearing in the above-entitled proceeding, now scheduled to be held on January 25, 1950, at Washington, D. C., be continued indefinitely; and counsel for Radio Station KAKE, a respondent herein, and counsel for the Commission having consented to a grant of said petition and to a waiver of the four-day requirement of § 1.745 of the Commission's rules and regulations;

It is ordered, This 20th day of January 1950, that the joint petition of KWHK Broadcasting Company, Inc. (KWHK) and The Hutchinson Publishing Company for a continuance of the hearing herein, is hereby granted, and the hearing in the consolidated proceeding, is hereby continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary

[F. R. Doc. 50-855; Filed, Jan. 30, 1950; 8:54 a. m.]

[Docket No. 9496]

VERMILION BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Vermilion Broadcasting Corporation, Danville, Illinois, for construction permit; Docket No. 9496, File No. BP-7114.

The Commission having under consideration a petition filed January 13, 1950, by the Vermilion Broadcasting Corporation, Danville, Illinois, requesting that the hearing herein presently scheduled for January 25, 1950, be continued for a period of at least sixty days to provide time for the further study and mitigation of interference problems; and

It appearing that no opposition to the petition has been filed by the parties or the General Counsel;

It is therefore ordered, This 20th day of January 1950, that the petition to continue hearing date be and it is hereby granted and that the hearing herein be and it is hereby continued to the 27th day of March 1950, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-854; Filed, Jan. 30, 1950; 8:54 a. m.]

[Docket No. 9539]

WESTERN UNION TELEGRAPH CO. ET AL.

ORDER CONTINUING HEARING

In the matter of The Western Union Telegraph Company, and American Telephone and Telegraph Company, et al., establishment of physical connections and through routes and charges applicable thereto, pursuant to section 201 (a) of the Communications Act of 1934, as amended, with respect to intercity video transmission service; Docket No. 9539.

The Commission having under consideration the above-entitled case presently scheduled for hearing in Washington, D. C., on January 25, 1950; and

It appearing, that the Hearing Examiner assigned to try the case is presently engaged in trying another case which is not expected to be concluded by January 25, 1950; and

It appearing further, from informal inquiry of counsel in the case, that there is no objection to a postponement for two days of the hearing;

It is ordered, On the Commission's own motion, this 20th day of January 1950, that the hearing presently scheduled to commence January 25, 1950, be, and it is hereby continued to January 27, 1950 at 10:00 a. m. at the offices of the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-857; Filed, Jan. 30, 1950; 8:54 a. m.]

[Docket Nos. 9556, 9557]

NARRAGANSETT BROADCASTING CO. (WALE) AND BAY STATE BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Narragansett Broadcasting Company (WALE) Fall River, Massachusetts, for renewal of license; File BR-2076, Docket No. 9556. Bay State Broadcasting Company, Fall River, Massachusetts, for construction permit; File BP-7315, Docket No. 9557.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of January 1950;

The Commission having under consideration (1) its order dated October 14, 1949 (Mimeo. No. 40867) which directed Narragansett Broadcasting Company to file with the Commission an application for renewal of license of Station WALE; (2) the above entitled application of Bay State Broadcasting Company filed on August 9, 1949, requesting a construction permit for a new broadcast station to operate on 1400 kc, 250 watts, unlimited time, at Fall River, Massachusetts, the facilities now authorized to Station WALE; (3) the above entitled application of Narragansett Broadcasting Company (WALE) filed with the Commission on November 18, 1949, pursuant to the Commission's order of October 14, 1949; (4) the request filed on August 9, 1949, by Bay State requesting that its above entitled application be designated for hearing in a consolidated proceeding with the above entitled application of Narragansett Broadcasting Company; and (5) the opposition to the said request filed by Narragansett Broadcasting Company on September 8, 1949;

It is ordered, That the petition of Bay State Broadcasting Company is granted in so far as it requests that the above entitled application of Narragansett Broadcasting Company be designated for hearing in a consolidated proceeding with the above entitled application of Bay State Broadcasting Company and the said applications are designated for hearing in a consolidated proceeding to commence on Monday, March 6, 1950, at 10:00 a. m. at Fall River, Massachusetts, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant, Bay State Broadcasting Company, to construct and operate the proposed station, and of the applicant, Narragansett Broadcasting Company (WALE) to continue to operate Station WALE.

2. To determine the areas and populations which may be expected to receive service from the operation of the station proposed by Bay State Broadcasting Company and the character of other broadcast services available to those areas and populations.

3. To determine the areas and populations which now receive service from Station WALE and the character of other broadcast services available to those areas and populations.

4. To determine whether the representations and proposals heretofore made by Narragansett Broadcasting Company to the Commission with respect to the ownership and operation of the station were made in good faith and whether Narragansett Broadcasting Company has carried out, or has failed to carry out, such representations and proposals with particular reference but not limited to the following:

a. The shares of stock issued to and subscribed for by Clark F. Murdough, George L. Sisson, Jr., Albert Pilavin and Leonard P. Cohen and the participation of the said persons in the operation and management of Station WALE.

5. To determine whether Narragansett Broadcasting Company has carried out, or has failed to carry out, the representations and proposals heretofore made by it to the Commission with respect to program service.

6. To obtain full information concerning the nature and character of the program service which has been rendered by Station WALE, with particular reference but not limited to the following:

a. The amount of time the station has devoted to the broadcasting of discussions upon controversial issues of public importance;

b. The amount of time which the station has devoted to the broadcasting of local live talent programs;

c. The amount of time the station has devoted to broadcasting of agricultural and educational programs;

d. The amount of time which the station has devoted to the broadcasting of recorded programs.

7. To obtain full information concerning the nature and character of the program service proposed to be rendered by Bay State Broadcasting Company and Narragansett Broadcasting Company.

8. To determine the overlap, if any, that will exist between the service areas of the station proposed by Bay State Broadcasting Company and of the operation of WBSM by Bay State Broadcasting Company the nature and extent thereof and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

9. To determine whether the operation of the proposed station by Bay State Broadcasting Company will involve objectionable interference with any other existing broadcast station and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

10. To determine the objectionable interference, if any, to any other existing broadcast station resulting from the operation of Station WALE, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

11. To determine whether the operation of the proposed station by Bay State Broadcasting Company would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast services to such areas and populations.

12. To determine the type and character of program service to be rendered by Bay State Broadcasting Company and Narragansett Broadcasting Company and whether it would meet the requirements of the populations and areas proposed to be served.

13. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-845; Filed, Jan. 30, 1950; 8:52 a. m.]

[Docket No. 9558]

REUB WILLIAMS AND SONS, INC.

ORDER DESIGNATING APPLICATION FOR HEARING

In re application of Reub Williams and Sons, Inc., Warsaw, Indiana, for construction permit; Docket No. 9558, File No. BP-6670.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 18th day of January 1950;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on 1050 kilocycles, 250 watts power, daytime only, utilizing a directional antenna, at Warsaw, Indiana;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to construct and operate the proposed station but that the application would involve interference with one or more existing broadcasting stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at Washington, D. C., on March 24, 1950, commencing at 10:00 a. m., upon the following issues:

1. To determine whether the operation of the proposed station would involve objectionable interference with stations WPAG, Ann Arbor, Michigan; WHFD, Benton Harbor, Michigan; WLIP, Kenosha, Wisconsin; and WZIP, Covington, Kentucky, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and population affected thereby, and the availability of other broadcast service to such areas and populations.

2. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular regard to whether the proposed directional antenna would operate in accordance with these Standards.

It is further ordered, That Washtenaw Broadcasting Company, Inc., licensee of station WPAG, Ann Arbor, Michigan; Palladium Publishing Company, licensee of station WHFD, Benton Harbor, Michigan; William L. Lipman, licensee of station WLIP, Kenosha, Wisconsin; and WZIP, Inc., licensee of station WZIP, Covington, Kentucky are made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-847; Filed, Jan. 30, 1950; 8:52 a. m.]

[Docket Nos. 9559, 9560]

CENTRAL UTAH BROADCASTING CO. (KCSU) AND MID UTAH BROADCASTING CO. (KNEU)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Frank A. Van Wagenen and Harold E. Van Wagenen, d/b as Central Utah Broadcasting Co. (KCSU), Provo, Utah, Docket No. 9559, File No. BP-7439; Lester R. Taylor tr/as Mid Utah Broadcasting Company (KNEU), Provo, Utah, Docket No. 9560, File No. BP-7460; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 18th day of January 1950;

The Commission having under consideration the above-entitled applications of Frank A. Van Wagenen and Harold E. Van Wagenen, d/b as Central Utah Broadcasting Co., licensee of Station KCSU, Provo, Utah, and Lester R. Taylor tr/as Mid Utah Broadcasting Company, licensee of Station KNEU, Provo, Utah each requesting authority to change the frequencies of their respective stations to 1400 kilocycles.

It is ordered That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of Frank A. Van Wagenen and Harold E. Van Wagenen d/b as Central Utah Broadcasting Co. and Lester R. Taylor tr/as Mid Utah Broadcasting Company are designated for hearing in a consolidated proceeding with each other, said hearing to commence at 10:00 a. m., March 27, 1950, at Washington, D. C., upon the following issues:

1. To determine the technical, financial, and other qualifications of the individual applicant and the applicant partnership and individual partners to construct and operate Stations KNEU and KCSU as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the opera-

tion of Stations KCSU and KNEU as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and if so the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the stations KCSU and KNEU would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the stations KCSU and KNEU as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-848; Filed, Jan. 30, 1950; 8:52 a. m.]

[Docket Nos. 9561, 9562]

LOUIS WASMER AND CASCADE BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Louis Wasmer, Pasco, Washington, Docket No. 9561, File No. BP-7337; Cascade Broadcasting Company, Incorporated, Richland, Washington, Docket No. 9562, File No. BP-7374; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of January 1950;

The Commission having under consideration the above-entitled applications each requesting a permit to construct a new standard broadcast station to operate on frequency 960 kilocycles, with 1 kilowatt power, unlimited time at the places specified above;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding on March 22, 1950, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the individual applicant and the technical, financial and other qualifications of the applicant corporation, its officers, directors, and stockholders, to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding, should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-849; Filed, Jan. 30, 1950; 8:53 a. m.]

[File No. 9563, 9564]

GATEWAY BROADCASTING CO. AND DAVID M. SEGAL

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of W. Decker Smith and A. L. Davis, d/b as Gateway Broadcasting Company, Texarkana, Arkansas, Docket No. 9563, File No. BP-7333; David M. Segal, Idabel, Oklahoma, Docket No. 9564, File No. BP-7431; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of January 1950;

The Commission having under consideration the above-entitled applications of Gateway Broadcasting Company requesting a permit to construct a new standard broadcast station to operate on frequency 790 kilocycles, with 500 watts-1 kilowatt power, unlimited time at Texarkana, Arkansas, and of David M. Segal requesting a permit to construct a new standard broadcast station to operate on frequency 790 kilocycles, with 1 kilowatt power, daytime only at Idabel, Oklahoma;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding on March 28, 1950, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of the individual applicant and the legal, technical financial and other qualifications of the applicant partnership and the partners to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the psoposed stations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of Station KTFS, Texarkana, Texas, operating as presently licensed and operating as proposed in application File Number BP-7268 and the operation proposed in the above-entitled application of David M. Segal, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding, should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-850; Filed, Jan. 30, 1950; 8:53 a. m.]

[Docket Nos. 9565, 9566]

HENRY LEE TAYLOR AND WINTER GARDEN BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Henry Lee Taylor, San Antonio, Texas, Docket No. 9565,

File No. BP-7038; John H. Mayberry tr/as Winter Garden Broadcasting Company, Crystal City, Texas, Docket No. 9566, File No. BP-7255; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of January 1950;

The Commission having under consideration the above-entitled applications each requesting a permit to construct a new standard broadcast station to operate on frequency 1400 kilocycles, with 250 watts power, unlimited time at the places specified above;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding on March 30, 1950, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the individual applicants to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with Stations KGNB, New Braunfels, Texas, KUNO, Corpus Christi, Texas, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the station proposed in the application of John H. Mayberry, tr/as Winter Garden Broadcasting Company, would involve objectionable interference with Station XEAS, Nuevo Laredo, Mexico, or with any other existing foreign broadcast station and, if so, whether such interference would be in contravention of any international agreement or the Commission's Rules and Standards.

6. To determine whether the operation of the proposed stations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference as to whether the 2 mv/m contour of Station KGNB, New Braunfels, Texas would overlap the 25 mv/m contour of the station proposed in the application of Henry Lee Taylor.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding, should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-851; Filed, Jan. 30, 1950; 8:53 a. m.]

[Docket Nos. 8568-8573, 9102, 9103]

PILGRIM BROADCASTING CO. ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at 10:00 o'clock a. m. on Monday, February 6, 1950, the Commission will hear oral argument in Room 6121, on the following matters in the order indicated:

ARGUMENT NO. 1

Docket No.				
8568 B1-P-5362	New	Pilgrim Broadcasting Co., Boston, Mass.	C. P.	950 kc. 5 kw., daytime.
8569 BP-5912	New	Beacon Broadcasting Co., Inc., Boston, Mass.	C. P.	950 kc. 5 kw., daytime.
8570 BP-6118	New	Boston Radio Co., Inc., Boston, Mass.	C. P.	950 kc. 5 kw., daytime.
8571 BP-6119	New	Continental Television Corp., Boston, Mass.	C. P.	950 kc. 1 kw., daytime.
8572 BP-6120	New	Joseph Solimene, Boston, Mass.	C. P.	950 kc. 5 kw., daytime.
8573 BP-6121	New	Bunker Hill Broadcasting Co., Boston, Mass.	C. P.	950 kc. 5 kw., daytime.

ARGUMENT NO. 2

9102 BP-6594	New	Otto H. Lachenmeyer, tr./as Cushing Broadcasting Co., Cushing, Okla.	C. P.	1600 kc. 500 w. day, daytime only.
9103 BP-6819	New	William Howard Payne, tr./as Payne County Broadcasters, Cushing, Okla.	C. P.	1600 kc. 500 w. day, daytime only.

Dated: January 20, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-858; Filed, Jan. 30, 1950; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-882, G-1317]

TRUNKLINE GAS SUPPLY CO. AND PANHANDLE EASTERN PIPE LINE CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

JANUARY 24, 1950.

On November 15, 1949, Trunkline Gas Supply Company (Trunkline), a Delaware corporation with offices in Washington, D. C., filed with the Commission a "Petition to Amend Order (of April 29, 1949) Issuing Certificate of Public Convenience" pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of certain natural gas facilities subject to the jurisdiction of the Commission as described in the order of April 29, 1949. Trunkline seeks an amendment of said order so as to authorize the construction and operation of facilities subject to the jurisdiction of the Commission, as described in the Petition, and the sale of natural gas to Panhandle Eastern Pipe Line Company. The Petition is on file with the Commission and open to public inspection. Due notice of the filing of the Petition has been given.

On January 18, 1950, Panhandle Eastern Pipe Line Company (Panhandle), a Delaware corporation with its principal place of business at Kansas City, Missouri, filed with the Commission an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

Panhandle proposes to construct and operate facilities which will enable it to receive from Trunkline 250,000 Mcf of natural gas per day, and which in conjunction with other facilities proposed to be constructed, and for which authorization is sought, will increase Panhandle's system capacity from 500,000 Mcf to 800,000 Mcf per day.

The Commission orders:

(A) The aforesaid proceedings in Docket Nos. G-882 and G-1317 be and the same hereby are consolidated for purposes of hearing.

(B) A public hearing be held in the consolidated proceedings beginning on February 27, 1950, at 10:00 a. m., e. s. t., in the Commission's hearing room at 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and issues presented by said applications and other pleadings filed in the proceedings.

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

Date of issuance: January 25, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-828; Filed, Jan. 30, 1950; 8:47 a. m.]

[Docket No. G-1246]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

ORDER FIXING DATE OF HEARING

JANUARY 24, 1950.

On July 28, 1949, Texas Illinois Natural Gas Pipeline Company, a Delaware corporation having it principal place of

business at 20 North Wacker Drive, Chicago 6, Illinois, filed with the Commission an Application, as amended on December 5, 1949, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing it to construct and operate certain natural-gas transmission facilities, subject to the jurisdiction of the Commission. The facilities are more fully described in the application and amendment on file with the Commission and open to public inspection. Due notice of the filing of the application and the amended application have been given, including publication in the FEDERAL REGISTER on August 9, 1949 (14 F. R. 4915) and December 21, 1949 (14 F. R. 7626), respectively.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on February 20, 1950, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters presented and the issues involved in said application, as amended.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: January 25, 1950.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-827; Filed, Jan. 30, 1950; 8:47 a. m.]

[Docket No. G-1292]

HOPE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JANUARY 24, 1950.

The Commission, by order issued October 31, 1949, suspended the operation of certain revised and original tariff sheets filed by Hope Natural Gas Company (Hope), and directed that a public hearing be held at a date and place to be fixed thereafter concerning the lawfulness of the rates, charges, and classifications, subject to the jurisdiction of the Commission, set forth in such tariff sheets.

The Public Service Commission of West Virginia has advised that Hope has applied to the Public Service Commission for increases in its effective rates for sales of natural gas subject to the jurisdiction of that Commission. Said Public Service Commission also advised that it desires to have a concurrent hearing with the Commission in accordance with the provisions of § 1.37 of this Commission's rules of practice and procedure, particularly sub-section (e) thereof.

The Commission orders:

(A) A public hearing be held commencing on February 27, 1950, at 10:00 a. m., e. s. t., in the Hearing Room of the Public Service Commission of West Virginia, Charleston, West Virginia, concerning the lawfulnes of the rates, charges, and classifications, subject to the jurisdiction of this Commission, set forth in Second Revised Sheet No. 3, Original Sheet No. 3-A, First Revised Sheet No. 4, and Original Sheet No. 4-A to FPC Gas Tariff, Original Volume No. 1, filed by Hope Natural Gas Company.

(B) The Public Service Commission of West Virginia may participate in a concurrent hearing in accordance with the provisions of § 1.37 (e) of this Commission's rules of practice and procedure. Other interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of such rules of practice and procedure.

Date of issuance: January 25, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-826; Filed, Jan. 30, 1950; 8:47 a. m.]

[Docket No. G-1317]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

JANUARY 24, 1950.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, address 1221 Baltimore Avenue, Kansas City 6, Missouri, filed on January 18, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipe-line facilities hereinafter described.

Applicant proposes to construct and operate approximately 30.5 miles of 30-inch loop line paralleling existing facilities beginning at a point 23.77 miles east of Tuscola Compressor Station and terminating at Montezuma Compressor Station, including a multiple crossing of the Wabash River; 60.7 miles of 30-inch loop line paralleling existing facilities beginning at Montezuma Compressor Station and terminating at Zionsville Compressor Station, including a multiple crossing of Raccoon Creek; 68.6 miles of 26-inch loop line paralleling existing facilities beginning at Zionsville Compressor Station, including a multiple crossing of the Mississinewa River; 10.2 miles of 20-inch pipe line paralleling an existing 20-inch lateral line beginning at Applicant's so-called Michigan Tap and terminating at the point of junction with the "Adrian lateral"; three 2,000 horsepower compressor units and appurtenant equipment and piping at each of Applicant's Tuscola and Zionsville compressor stations; two 2,000 horsepower compressor units and appurtenant equipment and piping at the Edgerton compressor station; and an appropriate physical connection of the facilities of Applicant with those proposed, or which may be constructed, by the City of Indianapolis, doing business as the Citizens Gas and Coke Utility, at a point near Applicant's Zionsville (Indiana) Compressor Station.

In addition to the facilities described above Applicant proposes to construct and operate 73.1 miles of 26-inch pipe line paralleling existing facilities beginning at a point 44.59 miles east of Edgerton Compressor Station, including multiple crossings of the Raisin and Huron Rivers. Applicant states that the construction of these facilities has heretofore been authorized by the Commission.

Applicant states that the above-described facilities when completed and placed in operation in connection with Applicant's other facilities, its system peak day design capacity will be increased to 800,000 Mcf.

Applicant proposes to sell to the City of Indianapolis, commencing July 1, 1950, natural gas in volumes not to exceed 25,000 Mcf per day in the third year after commencement of service to such community. If the additional supply of gas, 250,000 Mcf per day, is obtained from Trunkline Gas Supply Company[1] (Trunkline), Applicant proposes to make available up to 125,000 Mcf of gas per day of such additional supply to its so-called "entire requirement customers" provided they nominate the quantities of gas desired by each of them and execute contracts under which the buyer is obligated to take or, if not taken, to pay for 75 percent of such contract volume. With reference to the other 50 percent of additional gas to be obtained from Trunkline Applicant proposes to make available to the following customers the volumes of gas specified: Michigan Gas Storage Company and/or Consumers Power Company, 50,000 Mcf; the Ohio Fuel Gas Company, 25,000 Mcf; and Union Gas Company of Canada, Ltd., 50,000 Mcf. Applicant states that the balance of the 800,000 Mcf per day capacity, approximately 25,000 Mcf, will be sold directly to industrial consumers.

The estimated total capital cost of the facilities for which authorization is sought will be approximately $15,000,000. It is proposed to finance such construction from funds which may be borrowed by Applicant or provided out of funds on hand.

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) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-829; Filed, Jan. 30, 1950; 8:48 a. m.]

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[1] See "Notice of Petition to Amend Order Issuing Certificate of Public Convenience and Necessity", In the Matter of Trunkline Gas Supply Company, Docket No. G-882, 14 F. R. 7188, November 29, 1949.

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 24822]

DRAIN TILE FROM AND TO THE SOUTH

APPLICATION FOR RELIEF

JANUARY 26, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1044.

Commodities involved: Tile, farm drain, carloads.

Between: Points in Southern territory; between points in Southern territory, on the one hand, and points in Official territory, on the other; also between points in Official territory in Virginia.

Grounds for relief: Circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1044, Supplement 91.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-837; Filed, Jan. 30, 1950; 8:50 a. m.]

[4th Sec. Application 24823]

FIRE BRICK AND RELATED ARTICLES TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

JANUARY 26, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. A-703.

Commodities involved: Fire brick, furnace or kiln lining or high temperature bonding mortar or cement, carloads.

From: Plymouth Meeting, Pa., and Baltimore, Md.

To: New Orleans, La.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-703, Supplement 96.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-838; Filed, Jan. 30, 1950; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 37-60]

AMERICAN NATURAL GAS SERVICE CO. AND AMERICAN NATURAL GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 24th day of January A. D. 1950.

American Natural Gas Company ("American"), a registered holding company, and American Natural Gas Service Company ("Service Company"), a corporation recently organized by American, having filed a joint application-declaration, pursuant to sections 9 (a), 10 and 13 of the Public Utility Holding Company Act of 1935 and Rule U-88 promulgated thereunder, with respect to the organization and conduct of business of Service Company as a subsidiary service company in the American holding company system and the acquisition by American of all of the capital stock of Service Company; and

Public hearings having been held after appropriate notice and the applicants-declarants having waived the filing of briefs and oral argument, and the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered, That the declaration of American Natural Gas Service Company for approval with respect to the organization and conduct of its business as a subsidiary service company in the American Natural Gas Company holding company system be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24, and subject further to the following terms and conditions:

1. No substantial change in the organization of Service Company, the type and character of the companies to be serviced, the method of allocating costs to associate companies, or in the scope or character of services to be rendered, shall be made without first obtaining the approval of this Commission.

2. In the event that the operation of Service Company's cost allocation method does not result in a fair and equitable allocation of its costs among the serviced associate companies, the Commission reserves the right to require, after notice and opportunity for hearing, prospective adjustments, and, to the extent that it appears feasible and equitable, retroactive adjustments of such cost allocations.

3. This order is not to be construed as a ruling that Service Company may not be required to effect such other changes in its organization or operations as may become necessary in order to conform with the act or the present or future rules, regulations or orders of the Commission. Jurisdiction is reserved to reconsider the servicing activities of Service Company at an appropriate future time, and, after notice and opportunity for hearing, by order to revoke, suspend, or modify the permission granted to Service Company to continue its operations and conduct of business.

It is further ordered, That the application of American Natural Gas Company for approval of the acquisition of the 2,000 shares of capital stock of Service Company be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-835; Filed, Jan. 30, 1950; 8:49 a. m.]

[File No. 70-2282]

UNITED GAS IMPROVEMENT CO. AND ALLENTOWN-BETHLEHEM GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of January 1950.

The United Gas Improvement Company ("UGI"), a registered holding company, and its subsidiary, Allentown-Bethlehem Gas Company ("Allentown"), having filed a joint application-declaration pursuant to the provisions of sections 6 (b), 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder with respect to the extension of the maturity date from January 31, 1950 to January 31, 1951, of Allentown's 4% promissory note in the principal amount of $600,000 payable to UGI; and the extension of each maturity date having been approved by order of the Pennsylvania Public Utility Commission dated January 4, 1950; and

Said application-declaration having been filed on December 14, 1949, and the last amendment thereto having been

filed on January 11, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act; that the said application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-836; Filed, Jan. 30, 1950; 8:50 a. m.]

[File No. 70-2302]

OHIO POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of January A. D. 1950.

Notice is hereby given that The Ohio Power Company ("Ohio"), an electric utility subsidiary of American Gas and Electric Company, a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 and has designated sections 6 (a) and 7 thereof as applicable to the proposed transactions which are summarized as follows:

Ohio proposes to establish a line of credit with the banks named below whereby it may borrow from said banks from time to time prior to December 31, 1951, sums not to exceed in the aggregate the amount of $18,000,000, such loans to be evidenced by notes to be issued by Ohio dated as of the date of the borrowing and maturing nine months from the dates thereof.

The proposed borrowings will be made in the indicated amounts from the following banks:

Name of bank	Address	Amount
Irving Trust Co.	New York, N. Y.	$4,000,000
Guaranty Trust Co. of New York.	do	4,000,000
Bankers Trust Co.	do	3,200,000
Mellon National Bank & Trust Co.	Pittsburgh, Pa.	3,200,000
Central Hanover Bank & Trust Co.	do	1,800,000
Chemical Bank & Trust Co.	do	1,800,000
Total		18,000,000

The declaration states that the initial borrowing will be in the aggregate amount of $7,000,000 on or about February 10, 1950, said borrowing to be evidenced by promissory notes of Ohio bearing interest from the date of such borrowing at the then current prime credit rate which the declaration states will be 2% per annum. The proceeds from this intital borrowing will be used in part to repay without premium Ohio's presently outstanding bank loan in the amount of $5,000,000.

Subsequent borrowings will be made from time to time prior to December 31, 1951 and will bear interest from the respective dates thereof at the then current prime credit rate. At least ten days prior to each borrowing subsequent to the initial borrowing Ohio will file an amendment to this declaration setting forth the amount of such proposed borrowing and the annual rate of interest thereon. In addition, at least ten days prior to the renewal of any outstanding note previously issued under this credit agreement Ohio will file an amendment setting forth the interest rate on the notes to be renewed. It is proposed that each such amendment shall become effective ten days after the filing thereof if no action is taken with respect thereto by the Commission within such ten day period.

Ohio may prepay the notes from time to time in whole or in part without payment of premium. Any such partial payments are to be made ratably on all notes outstanding.

Notice is further given that any interested person may, not later than February 8, 1950, at 5:30 p. m. e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C. At any time after February 8, 1950, at 5:30 p. m., e. s. t., said declaration as filed, or as amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said declaration which is on file with the Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-834; Filed, Jan. 30, 1950; 8:49 a. m.]

[File No. 70-2309]

WACHUSETT ELECTRIC CO. AND NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 24th day of January A. D. 1950.

Notice is hereby given that a joint application has been filed with the Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Electric System ("NEES"), a registered holding company, and its subsidiary company, Wachusett Electric Company ("Wachusett"). Applicants designate sections 6 (b) and 10 of the act and Rule U-42 (b) (2) promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 7, 1950 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 7, 1950 said application, as filed, or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

Wachusett proposes to issue and sell for cash to NEES 3,630 shares of additional capital stock (par value $100 per share) of the aggregate par value of $363,000. Such additional shares are to be offered to NEES, the sole stockholder of Wachusett, at the price of $300 a share or an aggregate of $1,089,000. NEES proposes to acquire such shares and will use available cash for such purpose.

Wachusett is indebted to NEES in the amount of $290,000. Such indebtedness consists of advances of which $240,000 bears interest at the rate of 3% per annum, and the remainder is non-interest bearing. Wachusett also presently has outstanding promissory 2¾% short-term notes in the aggregate amount of $800,000 and maturing May 31, 1951. The notes carry the privilege of prior payment in whole or in part.

Wachusett proposes to apply the proceeds from the sale of additional shares of capital stock, together with $1,000 of treasury funds, to the retirement of its indebtedness aggregating $1,090,000, as indicated in the preceding paragraph.

The Massachusetts Department of Public Utilities has approved the issue and sale by Wachusett of the additional shares of capital stock at the price of $300 a share.

Incidental services in connection with the proposed transactions by Wachusett and NEES will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof. The cost to Wachusett and NEES of such services is estimated

not to exceed $1,000 and $200 respectively. Total expenses to be borne by Wachusett are estimated at $1,581.

Applicants request that the Commission's order become effective upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-833; Filed, Jan. 30, 1950; 8:49 a. m.]

[File No. 812-525]

ESTRELLAS U. S. A. INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of January A. D. 1950.

Notice is hereby given that Estrellas U. S. A. Incorporated, 67 Wall Street, New York 5, N. Y., has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission modifying the order of exemption, dated February 6, 1948, by which the Applicant was exempted from the provisions of the act upon condition that so long as the exemption therein granted was in effect it would file with the Commission (1) annual reports setting forth such information as would be required by certain items of Form N-30A-1, (2) quarterly reports setting forth such information as would be required by Form N-30B-1, (3) information as to any purchases by any person resident in the United States of any beneficial interest in any securities issued by the Applicant, and (4) information as to any acquisition of the securities of any American company which would result in presumptive control by the Applicant under the act. The Applicant requests modification of such order of exemption to relieve it of the obligation of filing the quarterly reports required by such order. The Applicant agrees, in the event the requested order is granted and so long as it shall remain in effect, that it will, within 30 days after receipt from this Commission of a request therefor, file with the Commission a report setting forth as of the end of the quarterly period next preceding the date of such request such information as would be required by the Commission's Form N-30B-1.

For a more detailed statement of the matters of fact and law as asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may see fit to impose, may be issued by the Commission at any time on or after February 15, 1950, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than February 13, 1950, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be adressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-831; Filed, Jan. 30, 1950; 8:48 a. m.]

[File No. 812-644]

NESBETT FUND INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of January A. D. 1950.

Notice is hereby given that the Nesbett Fund Incorporated, a registered investment company (hereinafter called "Nesbett Fund"), has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 22 (d) of the act an offering of shares of Nesbett Fund at a price below the normal offering price under the circumstances hereinafter described.

Nesbett Fund was organized under the laws of the State of Maryland and is registered under the act as a diversified management, open-end investment company. The public offering price of its shares is a sum equal to the liquidating value of the shares plus a varying sales load which declines as the value of the shares involved in a particular transaction increases. The following table shows the sales loads applicable to the different values involved in a given transaction.

Value	Sales load	
	Percent of offering price	Percent of liquidating value
Less than $25,000	8	8.69
Not less than $25,000, but less than $50,000	6	6.38
Not less than $50,000, but less than $100,000	5	5.26
Not less than $100,000, but less than $250,000	4	4.17
Not less than $250,000, but less than $500,000	2	2.04
$500,000 or more	1	1.01

However, if a purchaser already owns shares of Nesbett Fund, the value of such shares is added to the value of the shares about to be purchased and the sales load applicable to the shares about to be purchased is calculated according to the aggregate value of all shares. This in effect affords a purchaser who already owns shares of Nesbett Fund a discount from the normal offering price, if the added value of the shares already owned by him results in placing the transaction in a category to which a lower sales load is applicable.

On the other hand, section 22 (d) of the act which is applicable in the premises, provides as follows:

> No registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter or the issuer, except at a current public offering price described in the prospectus: *Provided, however*, That nothing in this subsection shall prevent a sale made (1) pursuant to an offer of exchange permitted by section 11 hereof including any offer made pursuant to clause (1) or (2) of section 11 (b); (ii) pursuant to an offer made solely to all registered holders of the securities, or of a particular class or series of securities issued by the company proportionate to their holdings or proportionate to any cash distribution made to them by the company (subject to appropriate qualifications designed solely to avoid issuance of fractional securities); or (iii) in accordance with rules and regulations of the Commission made pursuant to subsection (b) of section 12.

It would appear therefore that the offering of shares to a purchaser who already owns shares of Nesbett Fund, in the manner described above, may involve an offering of its shares below the normal offering price, in contravention of the provisions of section 22 (d) of the act. Accordingly, Nesbett Fund has filed the instant application for an order of the Commission exempting such method of calculating the sales load from said provisions of the act.

All interested persons are referred to said application which is on file in the offices of the Commission for a detailed statement of the proposed transaction and the matters of fact and law asserted.

Notice is further given that an order granting the application may be issued by the Commission on or at any time after February 6, 1950, unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than February 3, 1950, at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issue of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-832; Filed, Jan. 30, 1950; 8:49 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. 13 (E)]

HAT INSTITUTE INC. AND UNITED HATTERS, CAP AND MILLINERY WORKERS INTERNATIONAL UNION

APPLICATION FOR INVESTIGATION

JANUARY 26, 1950.

Application has been filed with the United States Tariff Commission for investigation, under the escape clause procedure, to determine whether as a result of unforeseen developments and of the concession granted in a trade agreement the articles listed below are being imported in such relatively increased quantities and under such conditions as to cause or threaten serious injury to the domestic industry producing like or directly competitive articles. The application was filed under the provisions of Part III of Executive Order 10082 of October 5, 1949.

Name of article	Purpose of request	Date received	Name and address of applicant
Women's fur felt hats and hat bodies (item 1526 (a), Schedule XX, General Agreement on Tariffs and Trade).	Increase in duty.	Jan. 24, 1950	The Hat Institute, Inc., New York, N. Y., and United Hatters, Cap & Millinery Workers International Union, New York, N. Y.

The application listed above is available for public inspection at the office of the Secretary, Tariff Commission Building, Eighth and E Streets, NW., Washington, D. C., and in the New York Office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

SIDNEY MORGAN,
Secretary.

[F. R. Doc. 50-839; Filed, Jan. 30, 1950; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14262]

JAROSLAV PRUCHA

In re: Estate of Jaroslav Prucha, deceased. F 17-1281; E. T. sec. 16931.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Purr, whose last known address is Germany, is a resident of Germany and national of a designated enemy country (Germany);

2. That all right, title and interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Jaroslav Prucha, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by George E. Fedor, as ancillary administrator, acting under the judicial supervision of the Probate Court of Cuyahoga County, Ohio

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-859; Filed, Jan. 30, 1950; 8:55 a. m.]

[Vesting Order 14263]

JOSEPH RENNER

In re: Estate of Joseph Renner, deceased. File No. F-28-14081; E. T. sec. 16880.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John N. Renner and Mary Renner Nagle, also known as Mary Renner Nagl, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Kreszenz Renner, deceased, except Frank Renner, a resident of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, except Frank Renner, a resident of the United States, and each of them, in and to the Estate of Joseph Renner, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Frank Renner, as Administrator, acting under the judicial supervision of the Probate Court of Lucas County, Ohio;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Kreszenz Renner, deceased, except Frank Renner, a resident of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-860; Filed, Jan. 30, 1950; 8:55 a. m.]

[Return Order 533]

MARTA WASSERMANN ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Marta Wassermann (nee Karlweis) and Charles U. Wassermann, jointly, 70 Maple Lane, Ottawa, Canada, No. 6386; $246.03 in the Treasury of the United States;

Albert Wassermann, 21 Blomfield Road, London W 3, England; No. 6386; $61.51 in the Treasury of the United States;

Julia Wassermann (nee Speyer) Schanzeneggstrasse 3 Zurich, Switzerland, No. 6386; $246.03 in the Treasury of the United States;

George Wassermann, Copacabana, Rua Djalma Ulrich, 217 Rio de Janeiro, Brazil, No.

6386; $61.51 in the Treasury of the United States;

Judith Barbara Benz (nee Wassermann) Bodmerstrasse 9, Zurich, Switzerland; No. 6386; $61.51 in the Treasury of the United States;

Eva Broch de Rothermann (nee Wassermann), 57 East 72d Street, New York, N. Y.; No. 6386; $61.51 in the Treasury of the United States;

Property to the extent owned by each of the claimants immediately prior to the vesting thereof, described in Vesting Order No. 1758 (9 F. R. 13773, November 17, 1944), relating to the literary work "The World's Illusion" (listed in Exhibit A of said vesting order).

Notice of intention to return published: December 13, 1949, (14 F. R. 7464).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 24, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-861; Filed, Jan. 30, 1950; 8:56 a. m.]

ERCOLE MINNECI

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 the 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

Ercole Minneci, Palermo, Italy; Claim No. 37613; $3,084.90 in the Treasury of the United States. All right, title, interest, and claim of any kind or character whatsoever of Giuseppina Cusimano Minneci, in and to the Estate of Francesco F. Cusimano, deceased.

Executed at Washington, D. C., on January 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-866; File, Jan. 30, 1950; 8:57 a. m.]

[Return Order 534]

COMPAGNIE GENERALE DE TELEGRAPHIE SANS FIL

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Compagnie Generale De Telegraphie Sans Fil, Paris, France; Claim No. 36039; November 15, 1949 (14 F. R. 6868); property described in Vesting Order No. 2131 (8 F. R. 13858, October 9, 1943) relating to United States Letters Patent Numbers: 1,687,828; 1,694,637; 1,695,830; 1,695,840; 1,697,948; 1,698,837; 1,702,039; 1,702,075; 1,712,023; 1,723,461, 1,725,945; 1,725,953; 1,725,954; 1,732,044; 1,735,417; 1,737,147; 1,739,941; 1,739,948; 1,740,969; 1,744,609; 1,745,931; 1,755,386; 1,763,388; 1,763,947; 1,767,121; 1,771,704; 1,775,218; 1,776,381; 1,781,046; 1,782,807; 1,783,072; 1,783,557; 1,789,303; 1,794,365; 1,794,708; 1,799,208; 1,800,591; 1,813,908; 1,824,590; 1,824,591; 1,855,569; 1,860,128; 1,863,741; 1,867,209; 1,868,967; 1,872,109; 2,282,714; 1,874,899; 1,875,329; 1,882,119; 1,889,975; 1,893,159; 1,904,607; 1,907,624; 1,908,006; 1,912,719; 1,912,752; 1,924,397; 1,934,912; 1,941,457; 1,946,274; 1,949,263; 1,952,701; 1,813,973; 1,964,373; 1,974,903; 1,977,397; 1,978,446; 1,978,483; 1,981,024; 1,983,638; 1,983,729; 1,987,880; 1,997,042; 1,997,075; 2,005,772; 2,006,440; 2,008,273; 2,009,080; 2,010,842; 2,011,927; 2,013,799; 2,017,121; 2,023,780; 2,026,613; 2,026,652; 2,029,729; 2,034,012; 2,035,011; 2,035,788; 2,045,995; 2,059,315; 2,063,582; 2,064,220; 2,069,313; 2,073,333; 2,076,264; 2,078,058; 2,080,577; 2,082,492; 2,082,820; 2,085,415; 2,088,548; 2,095,588; 2,097,258; 2,098,227; 2,101,563; 2,104,458; 2,111,256; 2,115,559; 2,115,877; 2,116,113; 2,125,932; 2,131,164; 2,135,171; 2,135,199; 2,146,247; 2,147,159; 2,151,800; 2,153,612; 1,978,184; 2,170,852; 2,173,154; 2,176,469; 2,184,965; 2,189,971; 2,189,972; 2,195,079; 2,206,644; 2,208,422; 2,219,648; 2,109,835; 2,226,945; 2,228,869; 2,231,155; 2,250,698; 2,252,062; 2,257,594; 2,257,815; 2,267,889; 2,269,518; 2,270,157; 2,271,915; 2,275,930; 2,279,422; 2,282,706.

An undivided one-half interest in and to property described in Vesting Order No. 2131 relating to United States Letters Patent No. 1,872,334.

Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Numbers: 1,837,144; 1,990,060; 2,116,667.

Property described in Vesting Order No. 677 (8 F. R. 7029, May 27, 1943) relating to United States Letters Patent Number: 2,112,958.

Property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial Numbers: 265,786 (now Patent No. 2,313,290); 320,608 (now Patent No. 2,328,496); 311,860 (now Patent No. 2,433,838); 122,332; 326,650.

This return shall not be deemed to include the rights of any licensees under the above patents and patent applications.

In connection with this return, claimant has furnished the Attorney General certain covenants contained in a letter dated July 16, 1949. These convenants are attached to the determination filed herewith as Exhibit B.[1]

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 24, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-862; Filed, Jan. 30, 1950; 8:56 a. m.]

[1] Filed as part of original document.

[Return Order 540]

IRMGARD ANDREAE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, 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., Notice of Intention To Return Published, and Property

Irmgard Andreae, Milan, Italy; Claim No. 33927; November 18, 1949 (14 F. R. 7002); $7,40.99 in the Treasury of the United States. All right, title and interest of Irmgard Andreae in and to the Estate of Karl Stephani, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 24, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director.
Office of Alien Property.

[F. R. Doc. 50-865; Filed, Jan. 30, 1950; 8:57 a. m.]

[Return Order 535]

SUZANNE AND STEPHEN BORNEMANN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Suzanne Bornemann, Stephen Bornemann, 15, rue de Tournon, Paris, France; Claim No. 37099; December 15, 1949 (14 F. R. 7510); $363.98 in the Treasury of the United States jointly to Suzanne Bornemann and Stephen Bornemann. Property to the extent owned by claimants immediately prior to the vesting thereof, described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944) relating to musical compositions listed under the name of Paul Decourelle in Exhibit A of the vesting order.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 24, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-863; Filed, Jan. 30, 1950; 8:57 a. m.]

[Return Order 539]

JOSEPH V. IOVINE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, 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., Notice of Intention To Return Published, and Property

Joseph V. Iovine, a/k/a Giuseppe V. Iovine, Vibo Valentia, Italy, Claim No. 36557; July 1, 1949 (14 F. R. 3653); $5,080.65 in the Treasury of the United States. A parcel of land in New Haven, Conn., known as 227 Rosette Street, conveyed to Joseph V. Iovine by Robert Brokon by deed recorded in Volume 1003, page 126, of the New Haven Land records. A parcel of land in New Haven, Conn., known as 689 Washington Avenue, conveyed to Joseph V. Iovine by Helen R. Eagan Olimb, individually and as conservator of Jane T. Eagan by deeds recorded in Volume 1186, page 225, and Volume 1186, page 227, of the New Haven Land records.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 24, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-864; Filed, Jan. 30, 1950; 8:57 a. m.]