THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 15 NUMBER 36

Washington, Wednesday, February 22, 1950

TITLE 3—THE PRESIDENT

PROCLAMATION 2872

"I AM AN AMERICAN DAY", 1950

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS our country, built by people of many races, creeds, and national origins, has become a preeminent force in the furtherance of the cause of human freedom; and

WHEREAS our Nation now needs, more than ever before, citizens who know and understand our great heritage of democracy, which stresses the creed of the good neighbor, equality of justice, and equality of opportunity; and

WHEREAS it is vitally essential that each citizen, naturalized or native-born, reaffirm his faith in the basic principles that mold our way of life by forthrightly assuming and carrying out the obligations of citizenship:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the Congress through Public Resolution 67, approved May 3, 1940, do hereby designate Sunday, May 21, 1950, as "I Am an American Day", and do set aside that day as a public occasion for the special recognition of those of our youth who have become of age and of those foreign-born who have been naturalized during the past year. And I urge all Americans at that time to reaffirm their devotion to the ideals that have shaped our Nation's destiny and to faithfully resolve that they will discharge the obligations of United States citizenship.

I call upon Federal, State, and local officials, as well as patriotic, civic, educational, and other appropriate organizations and groups to arrange for suitable ceremonies on or about May 21, in which all our people may join with those who have newly assumed the responsibilities of American citizenship, with a view to promoting among all our citizens, old and new, a consciousness of their privileges and duties as Americans.

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

DONE at the City of Washington this 17th day of February in the year of our Lord nineteen hundred and fifty, and of the Independence of the United States of America the one hundred and seventy-fourth.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 50-1551; Filed, Feb. 20, 1950; 4:56 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

SUBPART A—STEP-INCREASES

Paragraphs (c) and (d) of § 25.52 of this subpart are amended so that the section reads as set out below. These amendments are effective as of the first day of the first pay period after October 28, 1949, the date of enactment of the Classification Act of 1949.

LONGEVITY STEP-INCREASES

§ 25.52 *Definitions.* (a) For the purpose of this subpart, the definitions of "permanent position, current efficiency rating," and "certificate of satisfactory service and conduct" are the same as in § 25.11. Other definitions are provided as follows:

(b) "Longevity step-increase" is an additional step increase above the maximum scheduled rate of the grade of the position of the officer or employee, equal to a one-step increase of such grade.

(c) "Aggregate period" is a total of ten

(Continued on p. 955)

CONTENTS

THE PRESIDENT

FEDERAL REGISTER

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

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

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.

years in the present position, or in the present grade and equivalent or higher grades, of civilian service, including intervening military service which has interrupted civilian service, and excluding all periods of separation from the service and any unpaid absence in excess of 26 workweeks in any calendar year. For the purpose of this definition, an equivalent or higher grade under the Classification Act of 1949, shall be determined by the following table:

CPC–1, CPC–2, CPC–3	equivalent to	GS–1 equivalent to	SP–1, SP–2, CAF–1
CPC–4	equivalent to	GS–2 equivalent to	CAF–2, SP–3
CPC–5	equivalent to	GS–3 equivalent to	CAF–3, SP–4
CPC–6	equivalent to	GS–4 equivalent to	CAF–4, SP–5
CPC–7	equivalent to	GS–5 equivalent to	CAF–5, SP–6, P–1
CPC–8	equivalent to	GS–6 equivalent to	CAF–6, SP–7
CPC–9	equivalent to	GS–7 equivalent to	CAF–7, SP–8, P–2
CPC–10	equivalent to	GS–8 equivalent to	CAF–8
		GS–9	CAF–9, P–3
		GS–10	CAF–10

Civilian service paid under authority other than the Classification Act of 1923, as amended, or the Classification Act of 1949, shall be deemed to be equivalent to the highest grade in the foregoing table in which the basic rate for such service would have been included at the time of such service.

(d) "Longevity period" is three years, of the aggregate period, of continuous service (1) at the maximum scheduled rate of the employee's grade, or (2) at a longevity rate of the employee's grade, or (3) at a rate in excess of such maximum scheduled rate in accordance with section 604 (b) (11) or section 1105 (b) of the Classification Act of 1949, or any other provision of law. Intervening military service interrupting continuous service at one of the above rates is creditable for longevity step increases. A change of grade or rate of basic compensation prescribed by any law of general application does not begin a new longevity period. A new longevity period begins when a longevity step increase is effected, or after a break in service in excess of four workweeks. The longevity period shall be extended for a sufficient amount of paid service to make up unpaid absences in excess of a total of six workweeks during such period.

(Sec. 1101, Pub. Law 429, 81st Cong.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 50–1501; Filed, Feb. 21, 1950; 8:52 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 126—ADMISSION OF ALIEN SPOUSES AND ALIEN MINOR CHILDREN OF CITIZEN MEMBERS OF THE UNITED STATES ARMED FORCES

REVOCATION

FEBRUARY 7, 1950.

Part 126, Chapter I, Title 8 of the Code of Federal Regulations, is hereby revoked.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The purpose of the regulations prescribed by the said Part 126 was to implement and effectuate the provisions of the act of December 28, 1945, as amended (59 Stat. 659, 61 Stat. 401; 8 U. S. C. 232–237), relating to the admission to the United States of alien spouses and alien minor children of citizen members of the United States armed forces. Since that act has become inoperative, the said regulations have likewise become inoperative; hence, compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary and would serve no useful purpose.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

WATSON B. MILLER,
Commissioner, Immigration and Naturalization.

Approved: February 16, 1950.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 50–1496; Filed, Feb. 21, 1950; 8:51 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

[Foreign Commerce Statistical Decision 72]

PART 30—FOREIGN TRADE STATISTICS

FILING OF EXPORT DECLARATIONS FOR SHIPMENTS OF MERCHANDISE BY MAIL

Pursuant to section 4 of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237, 5 U. S. C. 1001–1011), the Foreign Commerce Statistical Decision indicated below is of such a nature that preliminary notice and hearing are deemed unnecessary. This decision is therefore made effective immediately:

Section 30.33c is added to read as follows:

§ 30.33c *Declarations for export by regular mail or parcel post.* A Shipper's Export Declaration on Commerce Form 7525–V must be filed by the shipper for merchandise sent to a foreign country or United States territory by regular mail or parcel post, surface or air, in accordance with regulations issued by the International Postal Service of the United States Post Office Department. The pertinent regulations of the United States Post Office Department will be reported in the form of current Foreign Trade Circular Letters issued by the Bureau of the Census.

Foreign Commerce Statistical Decision 26 is rescinded by this decision.

(R. S. 161; 5 U. S. C. 22. Interprets or applies R. S. 335, as amended, 336, as amended, 337, as amended, 4200, as amended, sec. 1, 18 Stat. 352, as amended, sec. 1, 27 Stat. 197, as amended, 32 Stat. 172, as amended, sec. 7, 44 Stat. 572, as amended, sec. 1, 52 Stat. 8; 15 U. S. C. 173, 174, 176, 176a, 177, 178, 46 U. S. C. 92, 95, 49 U. S. C. 177)

[SEAL] PHILIP M. HAUSER,
Acting Director, Bureau of the Census.

Approved: February 16, 1950.

C. V. WHITNEY,
Acting Secretary of Commerce.

[F. R. Doc. 50–1489; Filed, Feb. 21, 1950; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5490]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SKIN CULTURE INSTITUTE, INC., AND ANTHONY GETZ

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections—Individual or private business as educational, religious or research institution;* § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts.* Subpart—*Using misleading name—Vendor:* § 3.2410 *Individual or private business being educational, religious or research institution or organization.* I. In connection with the offering for sale, sale, and distribution of respondents' cosmetic preparations designated "Sulphidol," "Acina Lotion," "Olecerin Emollient," "Spexol Soap," "Liquidol," "Skin Culture Yeast Masque," or any other preparation or preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name or names, either singly or in any combination thereof or as supplementary to each other, disseminating, etc., any advertisements by means of the United States mails, or in commerce or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of any of said preparations, which advertisements represent, directly or through inference, (1) that the preparations "Sulphidol", "Acina Lotion," "Olecerin Emollient," when used singly or by any combination thereof, or when used singly or by any combination in conjunction with the use of either of the preparations "Liquidol," or "Spexol Soap," constitute an effective treatment for pimples, blackheads, enlarged pores, wrinkles, oily

skin, or dry skin, or that the use of any of said preparations as aforesaid will result in a clear or unblemished skin; (2) that the use of the preparations "Liquidol" or "Spexol Soap," either alone or in combination with the preparation "Sulphidol," will normalize the oil flow of the skin, shrink distended or plugged pores, or remove impurities from the openings of the skin; or, (3) that the use of the preparation "Skin Culture Yeast Masque," either alone or compounded with yeast, will refine the texture of the skin or that the vitamins in the yeast will have any value in the treatment of the skin; and,

II. In connection with the offering for sale, sale and distribution of respondent's aforesaid cosmetic preparations, or any other preparation, product, commodity, or merchandise, directly or indirectly, using the word "Institute," or any abbreviation or simulation thereof, as a part of respondents' corporate name or otherwise, to designate, describe, or refer to a commercial enterprise conducted for profit; prohibited, subject to the provision, however, as respects said last prohibition, that for a period of eight months from the date of service of the order said corporate respondent may use the words "formerly Skin Culture Institute, Incorporated" parenthetically after any name adopted by it which otherwise meets the requirements of said prohibition.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Skin Culture Institute, Inc., et al., Docket 5490, January 4, 1950]

In the Matter of Skin Culture Institute, Inc., a Corporation, and Anthony Getz, Individually, and as an Officer of Skin Culture Institute, Inc.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, a stipulation of facts agreed upon between counsel for respondents and counsel in support of the complaint and read into the record in lieu of evidence, and the recommended decision of the trial examiner (no briefs having been filed and oral argument not having been requested); and the Commission having accepted and approved said stipulation of facts and having made its findings as to the facts and its conclusion that respondents have violated the provisions of the Federal Trade Commission Act:

I. *It is ordered*, That the corporate respondent, Skin Culture Institute, Inc., its officers, the respondent Anthony Getz, acting in his individual capacity or as an officer of the corporate respondent, their agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of their cosmetic preparations designated "Sulphidol," "Acina Lotion," "Olecerin Emollient," "Spexol Soap," "Liquidol," "Skin Culture Yeast Masque," or any other preparation or preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name or names, either singly or in any combination thereof or as supplementary to each other, do forthwith cease and desist from, directly or indirectly:

A. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any other means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference.

1. That the preparations "Sulphidol," "Acina Lotion," "Olecerin Emollient," when used singly or by any combination thereof, or when used singly or by any combination in conjunction with the use of either of the preparations "Liquidol" or "Spexol Soap," constitute an effective treatment for pimples, blackheads, enlarged pores, wrinkles, oily skin, or dry skin, or that the use of any of said preparations as aforesaid will result in a clear or unblemished skin.

2. That the use of the preparations "Liquidol" or "Spexol Soap," either alone or in combination with the preparation "Sulphidol," will normalize the oil flow of the skin, shrink distended or plugged pores, or remove impurities from the openings of the skin.

3. That the use of the preparation "Skin Culture Yeast Masque," either alone or compounded with yeast, will refine the texture of the skin or that the vitamins in the yeast will have any value in the treatment of the skin.

B. Disseminating, or causing the dissemination of, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any of said preparations which advertisement contains any of the representations prohibited in paragraph A above.

II. *It is further ordered*, That the corporate respondent, Skin Culture Institute, Inc., its officers, the respondent Anthony Getz, acting in his individual capacity or as an officer of the corporate respondent, their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of their aforesaid cosmetic preparations or any other preparation, product, commodity, or merchandise, do forthwith cease and desist from, directly or indirectly.

A. Using the word "Institute," or any abbreviation or simultation thereof, as a part of their corporate name or otherwise, to designate, describe, or refer to a commercial enterprise conducted for profit; *Provided, however*, That for a period of eight months from the date of service of this order said corporate respondent may use the words "formerly Skin Culture Institute, Incorporated" parenthetically after any name adopted by it which otherwise meets the requirements of this provision.

III. *It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with it, and that six months thereafter a supplemental and additional report of the same nature be filed as to paragraph II.

Issued: January 4, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-1497; Filed, Feb. 21, 1950; 8:51 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 226—UNIT OR COOPERATIVE AGREEMENTS

APPROVAL

Section 226.8 is amended to read as follows:

§ 226.8 *Approval of unit or cooperative agreement.* (a) A unit or cooperative agreement will be approved by the Secretary upon a determination that such agreement is necessary or advisable in the public interest and is for the purpose of more properly conserving natural resources. Such approval will be incorporated in a certificate appended to the agreement. No such agreement will be approved unless at least one of the parties is a holder of a Federal lease in the unit area and unless the parties signatory to the agreement hold sufficient interests in the unit area to give reasonably effective control of operations.

(b) Whenever the Federal land involved in a unit or cooperative agreement accounts for less than 50 percent of the acreage of the unitized lands, and whenever, if the field involved is fully developed, the Federal land has less than 50 percent of the estimated recoverable unitized substances, the agreement may, with the approval of the Secretary, make portions of the Operating Regulations, Part 221 of this chapter, inapplicable to operations under the agreement with respect to Federal land.

(c) Any modification of an approved agreement will require approval by the Secretary.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189. Interprets or applies sec. 5, 60 Stat. 952; 30 U. S. C. 226e)

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

JULY 22, 1948.

[F. R. Doc. 50-1472; Filed, Feb. 21, 1950; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 135—GENERAL

OATH OF OFFICE

In § 135.4 *Oath of office* (39 CFR 135.4) amend the note to paragraph (d) (3) to read as follows:

NOTE: The general oath of office prescribed by 5 U. S. C. 16, which is combined in this section with the special oath required by 5 U. S. C. 365, may be taken as provided in this section. The special oath is to be taken in practically the same manner; so that the combined oath may be taken before any of

the officers named in this section. Postmasters, assistant postmasters and other supervisory officials in post offices, superintendents and other officers of the Postal Transportation Service, the superintendent and assistant superintendent in the mail equipment shops, post office inspectors in charge, post office inspectors, chief clerks at division headquarters of the Post Office Inspection Service, United States judges and district attorneys, United States commissioners, United States marshals, collectors of customs and internal revenue, and all other officers, civil or military, holding commissions under the United States, may administer the oaths.

CROSS REFERENCE: See § 18.9 of this chapter as to jurat to postal accounts.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, Reorg. Plan 3 of 1949, 14 F. R. 5225; 5 U. S. C. 22, 369)

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

[F. R. Doc. 50-1475; Filed, Feb. 21, 1950; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

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

EXTENSION OF TEMPORARY ALLOCATION OF FREQUENCIES TO THE RADIOLOCATION SERVICE

In the matter of a petition filed with the Commission by the Seismograph Service Corporation of Tulsa, Oklahoma, requesting extension of temporary allocation of frequencies to the radiolocation service in the band 1750–1800 Kc., and a similar petition and certain applications filed by Raydist Navigation Corporation.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of February 1950;

The Commission having under consideration footnote (2) to § 2.104 (a) of its rules which, subject to certain conditions, temporarily allocates the band 1750–1800 Kc, until February 17, 1950, to a radiolocation service for the location of petroleum deposits in the Gulf of Mexico, and having under consideration a petition filed by the Seismograph Service Corporation requesting an extension of this temporary allocation and of the term of certain Experimental Class 2 licenses dependent on this allocation, for an additional period to terminate August 17, 1950, on the grounds that the petitioner did not commence actual operations under the licenses until December 1949, and that the petitioner requires additional time to carry forward the experimental program thus commenced, and having under consideration a similar petition for extension of this temporary allocation filed by the Raydist Navigation Corporation and also applications filed by it for extension of its associated construction permits for the duration of such allocation (if it is extended) on the grounds that this petitioner desires such additional time in order to conduct experimental field test operations using certain Raydist equipment recently delivered to it; and

It appearing, that the Commission's general radiolocation hearing in Docket 9233 has been postponed to an indefinite future date to be announced by the Commission and that an extension of the temporary allocation and of currently held authorizations dependent upon such allocation will permit the accumulation of further data concerning radiolocation operations which may be utilized in connection with Docket 9233; and

It further appearing, that the Commission has heretofore found that establishment on a temporary basis of a radiolocation system as described above would be in the public interest and a further temporary extension as herein ordered would continue to be in the public interest; and

It further appearing, that the legal authority for a temporary extension of the existing temporary allocation of the band 1750–1800 Kc. is vested in the Commission under sections 4 (i), and 303 (a), (b), (c), (d), (f), (g), (h), and (r) of the Communications Act of 1934, as amended; Article 7 of the Cairo (1938) General Radio Regulations, and Article 3 of the Atlantic City (1947) Radio Regulations;

It is ordered, That the petitions of the Seismograph Service Corporation and Raydist Navigation Corporation requesting an extension of the temporary allocation are granted to the extent that the temporary allocation is extended in accordance with the terms hereinafter set forth.

It is further ordered, that footnote (2) to § 2.104 (a) of the Commission's rules governing frequency allocations and other matters is amended to read as follows:

[1] This band is temporarily allocated to the radiolocation service until August 17, 1950, subject to possible temporary continuance beyond that time for such additional period or periods as the Commission may find necessary: *Provided, however*, That this temporary allocation, or any temporary continuation thereof, shall be subject to the use-in-derogation provisions of Article 7 of the Cairo General Radio Regulations and Chapter III of the Atlantic City Radio Regulations: *And provided further*, That this temporary allocation, or any temporary continuation thereof, shall automatically terminate, without the necessity of any further action by the Commission, not later than the date on which that part of the Table of Frequency Allocations of the Inter-American Radio Agreement (Washington, 1949) covering the band 1750–1800 Kc. becomes effective, or the date on which that part of the Atlantic City Table of Frequency Allocations covering all of the bands below 27,500 Kc. becomes effective (as provided by Article 47 of the Atlantic City Radio Regulations), whichever date is earlier: *And provided still further*, That this temporary allocation, or any temporary continuation thereof, shall be subject to earlier cancellation or modification by the Commission, without the necessity of a hearing, if during any period when such allocation is in effect the Commission shall, in the course of any action by the United States Government directed toward bringing into force any part of the Inter-American Radio Agreement (Washington, 1949) or toward making effective all of any portion of that part of the Atlantic City Table of Frequency Allocations covering the bands below 27,500 Kc., or in the course of proceedings undertaken by the Commission to determine whether a radiolocation service should be provided on a permanent basis, reach conclusions which, in the opinion of the Commission, require such cancellation or modification. This temporary allocation, or any temporary continuation thereof, is strictly limited to a radiolocation service for the location of petroleum deposits in the Gulf of Mexico. Stations in this service shall be located within 150 miles of the shoreline of the Gulf of Mexico.

It is further ordered, That the petition of the Seismograph Service Corporation and any applications in proper form that have been or may hereafter be filed by Seismograph Service Corporation or Raydist Navigation Corporation for extension of the authorizations currently held by those corporations for radiolocation operations in the band 1750–1800 Kc. shall be granted on terms consistent with the extension of allocation herein ordered.

It is further ordered, That this order, and the amendment of Part 2 of the rules herein ordered, shall be effective immediately.

(Sec. 4, 48 Stat. 1086, sec. 303, 50 Stat. 191; 47 U. S. C. 154, 303. Interprets or applies sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Released: February 15, 1950.

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

[F. R. Doc. 50-1506; Filed, Feb. 21, 1950; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 183]

PRODUCTION OF DISTILLED SPIRITS

FORMS

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2885, 2886, 2888, 2916, and 3176, Internal Revenue Code.

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

1. Regulations 4 (26 CFR, Part 183) approved February 28, 1940, are amended, as follows, by:

(a) Amending § 183.338; and
(b) Adding §§ 183.243a and 183.349a.

COLLECTION AND REMOVAL OF DISTILLATES, DISTILLED WATER, FUSEL OIL, AND CARBON DIOXIDE GAS FROM DISTILLERY

COLLECTION, AND DESTRUCTION OR REMOVAL FOR DENATURATION, OF CERTAIN DISTILLATES

§ 183.243a *District Supervisor's Account.* An account of losses of distillates containing one-half of 1 per cent or more of aldehydes and 1 per cent or more of fusel oil shall be kept on Form 1691, "District Supervisor's Account of Losses of Alcohol or Distilled Spirits." The account shall show all the information as indicated in the heading and by the various columns and as required by instructions issued in respect thereto and by this part.

(Secs. 2916, 3176, I. R. C.)

TAX-PAYMENT, REMOVAL, AND TRANSFER OF DISTILLED SPIRITS FROM CISTERN ROOM

REMOVAL OF DISTILLED SPIRITS, FREE OF TAX, FOR EXPORTATION

§ 183.338 *Procedure.* When the distiller desires to remove distilled spirits of not less than 180 degrees proof, free of tax, from the distillery receiving cisterns for exportation in tank cars, he will file application on Form 206, in quintuplicate, and bond on Form 547, 548, 657, or 658, as the case may be, in triplicate, with the district supervisor and otherwise comply with applicable requirements of the regulations governing the withdrawal of distilled spirits from internal revenue bonded warehouses, free of tax, for exportation (26 CFR, Part 185), which are hereby extended to cover the exportation, free of tax, of distilled spirits from the distillery.

(Secs. 2885, 2886, 2888, 3176, I. R. C.)

LOSSES OF DISTILLED SPIRITS IN DISTILLERY

§ 183.349a *District Supervisor's Account.* An account of losses of distilled spirits on the distillery premises shall be kept on Form 1691, "District Supervisor's Account of Losses of Alcohol or Distilled Spirits." The account shall show all the information as indicated in the heading and by the various columns and as required by instructions issued in respect thereto and by this part.

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

2. These changes are designed:

(a) To provide for the filing of an additional copy of Form 206 (Distilled Spirits for Exportation, Free of Tax) to be used, in lieu of Form 691 (Entry for Exportation), by the collector of customs to notify the district supervisor of the exportation of distilled spirits, thus simplifying the procedure by reporting essential details of the transaction on a single form; and

(b) To prescribe the use of Form 1691 (District Supervisor's Account of Losses of Alcohol and Distilled Spirits) by the district supervisor in maintaining an account of losses of distilled spirits.

3. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[F. R. Doc. 50-1511; Filed, Feb. 21, 1950; 8:53 a. m.]

[26 CFR, Part 184]

PRODUCTION OF BRANDY

FORMS

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2888, 2916, and 3176, Internal Revenue Code.

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

1. Regulations 5 (26 CFR, Part 184) approved February 28, 1940, are amended, as follows, by:

(a) Amending § 184.354;
(b) Adding new §§ 184.229a and 184.366a; and
(c) Revoking §§ 184.232 and 184.427.

COLLECTION AND REMOVAL OF DISTILLATES, DISTILLED WATER, FUSEL OIL, AND CARBON DIOXIDE GAS

COLLECTION, AND DESTRUCTION OR REMOVAL FOR DENATURATION, OF CERTAIN DISTILLATES

§ 184.229a *District Supervisor's Account.* An account of losses of distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil shall be kept on Form 1691, "District Supervisor's Account of Losses of Alcohol or Distilled Spirits." The account shall show all the information as indicated in the heading and by the various columns and as required by instructions issued in respect thereto and by this part.

(Secs. 2916, 3176, I. R. C.)

TAX-PAYMENT, REMOVAL, AND TRANSFER OF BRANDY FROM DISTILLERY

REMOVAL OF BRANDY, FREE OF TAX, FOR EXPORTATION

§ 184.354 *Procedure.* Where the distiller desires to remove brandy of not less than 180 degrees of proof, free of tax, from the distillery receiving tanks for exportation in tank cars, he will file application on Form 206, in quintuplicate, and bond on Form 547, 548, 657, or 658, as the case may be, in triplicate, with the district supervisor and otherwise comply with all applicable requirements of the regulations governing the withdrawal of distilled spirits from internal revenue bonded warehouses, free of tax, for exportation (26 CFR, Part 185), which regulations are hereby extended to cover the exportation, free of tax, of brandy from the distillery.

(Secs. 2888, 3176, I. R. C.)

LOSSES OF BRANDY IN DISTILLERY

LOSSES BY THEFT OR OTHERWISE THAN BY LEAKAGE OR EVAPORATION

§ 184.366a *District Supervisor's Account.* An account of losses of distilled spirits on the distillery premises shall be kept on Form 1691, "District Supervisor's Account of Losses of Alcohol or Distilled Spirits." The account shall show all the information as indicated in the heading and by the various columns and as required by instructions issued in respect thereto and by this part.

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

2. The purposes of the amendments are as follows:

(a) To provide for the filing of an additional copy of Form 206 (Distilled Spirits for Exportation, Free of Tax) to be used in lieu of Form 691 (Entry for Exportation) by the collector of customs to notify the district supervisor of the exportation of distilled spirits, thus simplifying the procedure by reporting essential details of the transaction on a single form;

(b) To prescribe the use of Form 1691 (District Supervisor's Account of Losses of Alcohol and Distilled Spirits) by the district supervisor in maintaining an account of losses of distilled spirits; and

(c) To discontinue district supervisor's account, Form 412 (District Supervisor's Account of Fruit Distilleries).

3. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[F. R. Doc. 50-1510; Filed, Feb. 21, 1950; 8:53 a. m.]

[26 CFR, Part 185]

WAREHOUSING OF DISTILLED SPIRITS

SIMPLIFICATION OF RECORDS

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2801 (e) (5), 2873, 2875, 2877, 2882, 2885, 2886, 2891, 2903, 2904, 2905, 2910, 2915, 3037, 3170, 3176, 3809, and 3953, Internal Revenue Code and section

309 (a) of the Tariff Act of 1930, as amended (19 U. S. C. sec. 1309 (a)).

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

1. Regulations 10 (26 CFR, Part 185) are amended as follows by:

(a) Amending §§ 185.37, 185.128, 185.216, 185.247, 185.272, 185.294, 185.311, 185.314, 185.317, 185.320, 185.323, 185.327, 185.328, 185.336, 185.338, 185.343, 185.349, 185.359, 185.360, 185.361, 185.362, 185.363, 185.364, 185.365, 185.367, 185.368, 185.369, 185.377, 185.379, 185.381, 185.382, 185.383, 185.384, 185.385, 185.394, 185.397, 185.413, 185.415, 185.418, 185.419, 185.467, 185.471, 185.473, 185.500, 185.502, 185.505, and 185.512;

(b) Adding §§ 185.364a, 185.365a, and 185.368 (a); and

(c) Revoking §§ 185.273, 185.351, 185.352, 185.353, 185.354, 185.355, 185.356, 185.357, 185.358, 185.393, and 185.480.

QUALIFYING DOCUMENTS

§ 185.37 *Application, Form 27–D.* Every person desiring the establishment of an internal revenue bonded warehouse shall file application therefor on Form 27–D, "Application by Proprietor of Internal Revenue Bonded Warehouse," in triplicate, with the district supervisor. Except as provided in § 185.42, in the case of amended and supplemental applications, all of the information indicated by the lines on the form and the instructions printed thereon, or issued in respect thereto, and in this part, shall be furnished. Applications on Form 27–D must be signed in accordance with the instructions printed on the form and sworn to before an officer authorized to administer oaths: *Provided,* That if the form officially prescribed for such application contains therein a provision for verification by a written declaration that such application is made under the penalties of perjury, such application shall be verified by the execution of such declaration, and such declaration shall be in lieu of any oath required herein for verification. Such applications must be numbered serially, commencing with number 1 and continuing in regular sequence for all applications thereafter filed, whether amended or supplemental. All data, written statements, affidavits, and other documents submitted in support of the application shall be deemed to be a part thereof.

(Secs. 2873, 3176, 3809, I. R. C.)

TERMINATION OF BONDS

§ 185.128 *Transportation for export bonds.* Bonds covering a specific lot of distilled spirits withdrawn for transportation for export, Form 548, will be terminated by the district supervisor by marking the bond "Canceled," followed by the date of cancellation, upon receipt of Form 206 from the collector of customs showing the clearance of the spirits: *Provided,* That where there is a loss in transit, the bond will not be canceled until the liability has been terminated. Continuing bonds for distilled spirits withdrawn from time to time for transportation for export, Form 658, will be similarly terminated by the district supervisor where no further withdrawals are to be made thereunder, provided that the account kept with the bond in accordance with § 185.394 shows that there are no outstanding charges.

(Secs. 2886, 3170, 3176, I. R. C.)

LOSSES OF DISTILLED SPIRITS BY THEFT, ACCIDENT, OR OTHERWISE THAN BY LEAKAGE OR EVAPORATION, IN WAREHOUSE OR IN TRANSIT THERETO, EXCEPT LOSSES FROM STORAGE TANKS OR STEEL DRUMS FILLED THEREFROM OF BRANDY OR FRUIT SPIRITS INTENDED FOR FORTIFICATION OF WINE

§ 185.216 *Records.* The storekeeper-gauger will report all losses of distilled spirits by theft, accident, or otherwise than by leakage or evaporation in his monthly return, Form 1513. The district supervisor will maintain a control account for such losses in warehouses on Form 1691, "District Supervisor's Account of Losses of Alcohol or Distilled Spirits." A separate control account will be maintained on Form 1691 for spirits lost in transit to warehouses. The control accounts shall show all of the information as indicated in the heading and by the various columns on the form and as required by instructions issued in respect thereto and in this part.

(Secs. 2915, 3953 (a), 3170, 3176, I. R. C.)

WITHDRAWAL OF SAMPLES OF DISTILLED SPIRITS

GENERAL PROVISIONS

§ 185.247 *Credit upon withdrawal of brandy or fruit spirits.* Upon the withdrawal from bond of a package of brandy or fruit spirits from which samples have been removed, the storekeeper-gauger shall interline in appropriate places on the withdrawal applications, Forms 179, 206, 257, or 1515, or permit, Form 1508, and in the loss allowed column of the report of withdrawal gauge, Form 1520, the total quantity (fractions of less than one-tenth gallon being disregarded) of the taxable samples and, separately, the total quantity (fractions of less than one-tenth gallon being disregarded) of tax-free samples removed from the package followed by the words "samples tax-paid" and "samples tax-free," respectively. The total quantity of all samples taken from the package shall be deducted with the allowable loss in calculating the taxable gallons if the package is withdrawn upon payment of tax, or the taxable loss, if any, if the package is withdrawn without payment of tax. Should the package be transferred in bond to another warehouse the storekeeper-gauger shall make like entries on Form 1619 in order that similar adjustments may be made when the package is withdrawn from the receiving warehouse. Upon the removal of a package from bond, the quantity withdrawn as samples shall also be entered by the storekeeper-gauger on Form 1513 as withdrawn taxpaid or tax-free, as the case may be. Credit shall be given similarly upon the emptying of a storage tank from which samples of brandy or fruit spirits were taken.

(Secs. 3037, 3176, I. R. C.)

WITHDRAWAL OF DISTILLED SPIRITS FROM WAREHOUSE

RECORDS AND REPORTS

§ 185.272 *Filing of withdrawal papers.* All copies of the withdrawal papers, Forms 179, 206, 236, 257, 543, 573, 1515, 1519, 1520, 1619, and 1620, retained by the storekeeper-gauger upon the withdrawal of distilled spirits from the warehouse and the copy of Form 1685 retained by him upon completion of brandy-blending operations, as hereinafter provided, shall be filed by him in the manner prescribed in §§ 185.465 to 185.471.

(Secs. 2801 (e) (5), 3176, I. R. C.)

WITHDRAWAL FOR BOTTLING IN BOND BEFORE TAX-PAYMENT

§ 185.294 *Procedure.* The withdrawal of distilled spirits for bottling in bond before tax-payment, and the bottling thereof, shall be pursuant to application made to the storekeeper-gauger in charge of the warehouse on Form 1515, in quintuplicate, and in accordance with the procedure prescribed in the regulations governing the bottling of distilled spirits in bond (26 CFR, Part 188). The packages to be withdrawn must be gauged and marked in accordance with the provisions of the Gauging Manual (26 CFR, Part 186) and, upon withdrawal, must be immediately removed to the bottling-in-bond department. Upon completion of the bottling operations the spirits must be immediately returned to the storage portion of the bonded warehouse. The storekeeper-gauger will at such time prepare Form 1620 to cover the deposit of the cases, as provided in § 185.153; and such form will be filed as a permanent record, as provided in § 185.467.

(Secs. 2882, 2903, 2904, 3170, 3176, I. R. C.)

TRANSFERS IN BOND BETWEEN INTERNAL REVENUE BONDED WAREHOUSES

TRANSFERS BETWEEN WAREHOUSES IN SAME DISTRICT

§ 185.311 *Storekeeper-gauger's receipt of spirits at warehouse.* Upon receipt of the spirits at the receiving warehouse, the storekeeper-gauger will examine the shipment and will ascertain and note on Form 1520, 1619 or 1620, as the case may be, losses or discrepancies, as provided in §§ 185.151 to 185.153. The proprietor may weigh and take the proof of the spirits, if desired, under the conditions specified in § 185.150. The storekeeper-gauger will execute his certificate of receipt on each copy of Form 236, noting thereon any losses or discrepancies reported on the corresponding Form 1520, 1619 or 1620. The storekeeper-gauger in charge will retain one copy of each of Forms 236 and 1520, 1619 or 1620, give one copy of each form to the proprietor of the warehouse, and forward one copy of Form 236 to the district supervisor. No withdrawal or transfer in bond of spirits received at the warehouse will be made until the three copies of Form 236 and the two copies of Form 1520, 1619 or 1620, as the case may be, have been received by the storekeeper-gauger in charge. The storekeeper-

gauger will report on Form 1513 the original tax gallons contained in all packages received regardless of any losses in transit. However, any package lost in transit will not be reported on Form 1513, but will be reported by the district supervisor in his account of losses, Form 1691.

(Secs. 2875, 3176, I. R. C.)

TRANSFERS IN BOND BETWEEN INTERNAL REVENUE BONDED WAREHOUSES IN DIFFERENT DISTRICTS

§ 185.314 *Storekeeper-gauger's receipt of spirits at receiving warehouse.* Upon receipt of the spirits at the receiving warehouse, the storekeeper-gauger will examine the shipment and ascertain and note on Form 1520, 1619, or 1620, as the case may be, losses or discrepancies, as provided in §§ 185.151 to 185.153. The proprietor may weigh and take the proof of the spirits, if desired, under the conditions specified in § 185.150. The storekeeper-gauger will execute his certificate of receipt on each copy of Form 236, noting thereon any losses or discrepancies reported on the corresponding Form 1520, 1619 or 1620. The storekeeper-gauger in charge will retain one copy each of Forms 236 and 1520, 1619 or 1620, give one copy of each form to the proprietor of the warehouse, and forward two copies of Form 236 to the supervisor of his district. The district supervisor will retain one copy of Form 236 and forward the remaining copy of Form 236 to the supervisor of the district from which the spirits were transferred. No withdrawal or transfer in bond of spirits received at the warehouse will be made until the four copies of Form 236 and the two copies of Form 1520, 1619 or 1620, as the case may be, have been received by the storekeeper-gauger in charge. The storekeeper-gauger will report on Form 1513 the original tax gallons contained in all packages received regardless of any losses in transit. However, any package lost in transit will not be reported on Form 1513 but will be reported by the supervisor-consignee in his account of losses, Form 1691.

(Secs. 2875, 1376, I. R. C.)

EXPORTATION OF DISTILLED SPIRITS FREE OF TAX

DISTILLERS' ORIGINAL PACKAGES

§ 185.317 *Application and entry.* Whenever an owner desires to remove distilled spirits from an internal revenue bonded warehouse, either for direct exportation or for transportation for export, in distillers' original packages without reducing the proof of the spirits, or after the spirits have been reduced to not less than 90 degrees proof, he shall execute application on Form 206, in quintuplicate. All of the information required by the instructions printed on the form, or issued in respect thereto, and in this part, shall be furnished. Applications on Form 206 must be signed in accordance with the instructions printed on the form and sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such application contains therein a provision for verification by a written declaration that such application is made under the penalties of perjury, such application shall be verified by the execution of such declaration, and such declaration shall be in lieu of any oath required herein for verification.

(Secs. 2885, 2886, 3176, 3809, I. R. C.)

§ 185.320 *Inspection and regauge.* Upon receipt of the application, the storekeeper-gauger shall examine the same, and if the application and request for regauge on each copy have been fully executed, he shall inspect and regauge the packages. The details of the regauge shall be entered on Form 1520, in quintuplicate, a copy of which shall be attached to each copy of Form 206. After the packages have been regauged, the storekeeper-gauger will execute his report on Form 206, retain one copy of the form with Form 1520 attached, and deliver the remaining four copies to the proprietor of the warehouse, unless the spirits are to be reduced in proof, in which event the forms will be retained by the storekeeper-gauger until the packages have been regauged after reduction.

(Secs. 2885, 2886, 3176, I. R. C.)

§ 185.323 *Regauge after reduction.* After the spirits in the distillers' original packages have been reduced, the storekeeper-gauger will again regauge the packages and report the details thereof on Form 1520, in quintuplicate. Each such report of regauge shall have noted thereon the statement "Regauge after reduction," and a copy thereof shall be attached to each copy of Form 206, in addition to the copy of Form 1520 covering the withdrawal regauge. After the spirits have been so reduced and regauged the storekeeper-gauger will execute his report on all copies of Form 206, retain one copy with Forms 1520 attached, and deliver the four remaining copies to the proprietor of the warehouse. The packages after reduction shall be marked as provided in the Gauging Manual (26 CFR, Part 186).

(Secs. 2885, 2886, 3176, I. R. C.)

§ 185.327 *Action by collector.* If the remittance is sufficient to cover the cost of the export stamps and the tax on the taxable loss, if any, from the packages, the collector will issue the necessary number of export stamps, note the serial numbers of the export stamps on Form 1520 and execute his certificate on Form 206, receipting for the tax on the taxable loss, if any. The collector will retain one copy of each form (206 and 1520) and send three copies thereof, with the export stamps, to the proprietor of the warehouse.

(Secs. 2885, 2886, 3176, I. R. C.)

§ 185.328 *Application and bond to district supervisor.* The proprietor of the bonded warehouse shall forward to the district supervisor all copies of the receipted Form 206, with Forms 1520 attached, together with a proper bond, executed in accordance with §§ 185.57 to 185.76 and 185.329, except that when an approved continuing bond (Form 657 or 658), in a sufficient penal sum, is on file in the district supervisor's office, applications covering exportations thereunder need not be accompanied by an export bond.

(Secs. 2885, 2886, 3170, 3176, I. R. C.)

§ 185.336 *Disposition of forms.* When the packages have been delivered and the exporter has furnished a copy of the bill of lading, the storekeeper-gauger will forward immediately a complete set of the forms (206, 1520, and bill of lading) to the district supervisor, forward one copy each of Forms 206 and 1520 to the collector of customs at the port of exportation, and deliver one copy each of Form 206 and 1520 to the proprietor for transmittal to the exporter. The exporter will execute his request for customs inspection on Form 206 and file such form with Form 1520 attached with the collector of customs at the port of exportation.

(Secs. 2885, 2886, 3170, 3176, I. R. C.)

PACKAGES FILLED FROM DISTILLERS' ORIGINAL PACKAGES

§ 185.338 *Application and entry.* Whenever an owner desires to transfer distilled spirits from distillers' original packages to new packages for exportation, he shall execute application on Form 206, in quintuplicate, as provided in § 185.317. By the term "new packages" is meant any suitable packages into which the contents of original packages are transferred for exportation.

(Secs. 2885, 2886, 3176, I. R. C.)

§ 185.343 *New packages to be gauged.* After the transfer of the spirits to new packages has been completed, the storekeeper-gauger will gauge such packages. The details of the gauge will be entered on Form 1520, in quintuplicate. The notation "Filled for export from Packages Nos. ____" (the serial numbers of the original packages being inserted), shall be made on all copies of Form 1520 to distinguish such form from the form covering the regauge of the distillers' original packages. A copy of Form 1520, covering the gauge of the new packages, will be attached to each copy of Form 206, in addition to the copy of Form 1520, covering the withdrawal regauge of the distillers' original packages.

(Secs. 2885, 2886, 3176, I. R. C.)

§ 185.349 *Action by collector.* The collector will issue the necessary number of export stamps, note the serial numbers of the export stamps on the Form 1520 covering the gauge of the new packages and execute his certificate on Form 206, receipting for the tax due on the loss, if any. The collector will retain one copy of each form (206 and 1520) and return three copies thereof, with the export stamps, to the proprietor of the warehouse.

(Secs. 2885, 2886, 3176, I. R. C.)

BOTTLING FOR EXPORTATION

§ 185.359 *Application.* Whenever an owner desires to remove distillers' original packages of distilled spirits from an internal revenue bonded warehouse for bottling in bond for exportation, he shall execute Form 1515, in quintuplicate.

(Secs. 2903, 2904, 2910, 3176, I. R. C.)

§ 185.360 *Request for regauge.* After the application on Form 1515 has been executed, the owner will deliver all copies thereof to the proprietor of the warehouse, who will execute his request for regauge of the spirits, and will deliver all copies to the storekeeper-gauger in charge of the warehouse.

(Secs. 2903, 2904, 2910, 3176, I. R. C.)

§ 185.361 *Regauge of spirits.* Upon receipt of the application, the storekeeper-gauger in charge shall examine same and if it has been properly executed and the spirits are eligible for bottling in bond for export, he shall proceed to regauge the packages described therein. The details of the regauge shall be entered on Form 1520, in quintuplicate. After the packages have been regauged, the storekeeper-gauger shall retain one copy of each form (1515 and 1520) and deliver four copies thereof to the proprietor of the warehouse.

(Secs. 2903, 2904, 2910, 3176, I. R. C.)

§ 185.362 *Remittance to collector.* The proprietor of the bonded warehouse shall forward all copies of Form 1515, with Form 1520 attached, to the collector of internal revenue, together with remittance for the necessary number of export stamps and the tax at the distilled spirits rate on the excess loss sustained by the packages while stored in warehouse, as disclosed by the regauge.

(Secs. 2903, 2910, 3176, I. R. C.)

§ 185.363 *Action by collector.* If the remittance is sufficient to cover the cost of the necessary number of export stamps and the tax on the excess loss from the packages, if any, the collector will issue the necessary number of export stamps, note the serial numbers of the export stamps in the appropriate column of Form 1520 and execute his certificate on Form 1515, receipting for the tax on the taxable loss, if any, from the packages. The collector will retain one copy of each form (1515 and 1520) and return three copies, together with the export stamps, to the proprietor of the warehouse.

(Secs. 2903, 2910, 3176, I. R. C.)

§ 185.364 *Removal of packages to bottling-in-bond department.* Upon receipt of Forms 1515 with Forms 1520 and the export stamps attached, the proprietor shall deliver same to the storekeeper-gauger in charge of the bonded warehouse, who will verify the data thereon with his retained copy of Form 1520, and if no discrepancies are noted he will sign the stamps and return them to the proprietor, who shall proceed to affix and cancel them, and mark and brand the packages as provided in the Gauging Manual (26 CFR, Part 186). After the packages have been properly marked, branded and stamped they will be removed to the bottling-in-bond department.

(Secs. 2903, 2904, 2910, 3176, I. R. C.)

§ 185.364a *Bottling.* The spirits will be bottled, stamped, cased and marked in accordance with the regulations governing the bottling of distilled spirits in bond (26 CFR, Part 188), after which the spirits may be returned to the storage portion of the warehouse pending withdrawal for exportation or may be removed for immediate exportation after the filing and approval of Form 206 and proper bond, in accordance with the provisions of §§ 185.367 to 185.368a. If the spirits are returned to the storage portion of the warehouse they need not be maintained in a separate room or building, but shall be kept separate and apart from all other distilled spirits stored in the warehouse.

(Secs. 2903, 2904, 2905, 2910, 3176, I. R. C.)

§ 185.365 *Report of packages removed for bottling.* The storekeeper-gauger will report the removal of spirits from the bonded warehouse for bottling in bond for export on his monthly return, Form 1513, and the bottling of the spirits on Forms 1515 and 1516, in accordance with the regulations governing bottling of distilled spirits in bond (26 CFR, Part 188)

(Secs. 2904, 2910, 2915, 3176, I. R. C.)

§ 185.365a *Report of dumping, bottling and disposition.* After the distilled spirits have been bottled and removed, the storekeeper-gauger will complete his report of dumping, bottling and disposition on Form 1515 and prepare Form 1620. Remnants remaining after bottling distilled spirits in bond for export shall be disposed of as provided in the regulations governing the bottling of distilled spirits in bond (26 CFR, Part 188), and appropriate notations made on Form 1515 and if the remnants are returned to the storage portion of the warehouse notation also shall be made on Form 1620. One copy of Form 1515, together with Form 1520 covering the regauge of the packages, will be forwarded to the district supervisor. The storekeeper-gauger will deliver one copy each of Forms 1515, and 1520 to the proprietor, retain one copy of each form in the bottling-in-bond department and return the remaining forms to the storekeeper-gauger in charge of the warehouse. Spirits removed from the bottling department for immediate exportation shall be considered as constructively returned to the warehouse. The storekeeper-gauger shall report on Forms 1513 and 1516, as deposited, all spirits bottled and either returned to the storage portion of the warehouse for temporary storage or removed from the bottling-in-bond department for immediate exportation.

(Secs. 2904, 2910, 2915, 3176, I. R. C.)

EXPORTATION OF BOTTLED DISTILLED SPIRITS

§ 185.367 *Application and bond.* Whenever it is desired to withdraw bottled distilled spirits from the storage portion of the bonded warehouse or from the bottling-in-bond department, either for direct exportation or for transportation for export, the owner shall execute application on Form 206, in quintuplicate, in accordance with § 185.317. The request for regauge will not be executed. The applicant shall forward all copies of Form 206 to the district supervisor, together with a properly executed export bond in a sufficient penal sum, computed as prescribed in § 185.329, except that the application need not be accompanied by a bond if the applicant has on file with the district supervisor an approved continuing bond (Form 657 or 658) in a sufficient penal sum.

(Secs. 2905, 3170, 3176, I. R. C.)

§ 185.368 *Approval of bond and application.* The district supervisor will examine the bond and if it is properly executed and in a sufficient penal sum to cover the tax on the spirits contained in the cases, he shall note his approval thereon, retain one copy, send one copy to the Commissioner and deliver one copy to the principal. In cases where the exporter has on file a continuing bond executed on a prior date, under which the exportation is to be made, the district supervisor will determine whether such bond is of sufficient penal sum to cover the tax on the spirits specified in the application as well as any spirits previously removed for export thereunder and unaccounted for. If the owner and the proprietor of the warehouse have complied with the law and this part, the district supervisor shall execute his permit for removal and transportation of the spirits on all copies of Form 206 and forward them to the storekeeper-gauger in charge of the warehouse.

(Secs. 2905, 2910, 3170, 3176, I. R. C.)

§ 185.368a *Removal of cases for exportation.* Upon receipt of Form 206, approved by the district supervisor, the storekeeper-gauger shall release the cases for exportation. Upon removal thereof from the bottling-in-bond department or from the storage portion of the warehouse, the storekeeper-gauger shall execute his report of removal on Form 206. The spirits, when released for exportation, must be consigned to the collector of customs at the port of export, and must be properly described in the bill of lading by serial numbers, kind, and quantity. The exporter shall deliver two copies of the bill of lading to the storekeeper-gauger. One copy of Form 206 will be retained by the storekeeper-gauger, one copy thereof with a copy of the bill of lading will be forwarded to the district supervisor, one copy with a copy of the bill of lading will be forwarded to the collector of customs at the port of exportation and one copy will be delivered to the proprietor for transmittal to the exporter. The exporter will execute his request for customs inspection on Form 206 and file such form with the collector of customs at the port of exportation.

(Secs. 2905, 2910, 3176, I. R. C.)

§ 185.369 *Records.* When the spirits have been removed either from the storage portion of the warehouse or from the bottling-in-bond department, the storekeeper-gauger shall make appropriate entries on Form 1513, and the proprietor on Form 52 C.

(Secs. 2904, 3176, I. R. C.)

WOODEN PACKAGES CONTAINING METALLIC CANS[1]

§ 185.377 *Records.* The removal of the spirits from the cistern room for deposit in the internal revenue bonded warehouse shall be reported on the distiller's monthly report, Form 1598. The

deposit of the spirits in the warehouse shall be reported on the storekeeper-gauger's monthly return, Form 1513.

(Secs. 2877, 2915, 3170, 3176, 3953, I. R. C.)

PROCEEDINGS AT PORTS OF EXPORT

§ 185.379 *Notice to Collector of Customs of arrival of spirits for exportation.* When distilled spirits withdrawn for direct export or transportation for export arrive at the port of export, the exporter or his agent shall execute his request for customs inspection on the Form 206 delivered to him by the proprietor of the warehouse and file such copy together with the attached Form 1520, if any, with the collector of customs. If Form 206 is properly completed and accompanied by Form 1520, when required, the collector of customs shall execute his order, both on the copy of Form 206 received from the exporter and on the copy received from the storekeeper-gauger, directing an inspector of customs or other customs officer to inspect the packages or cases described in Form 206 and Form 1520, if any, and to supervise the scalping and destruction of the export stamps on packages, as provided in § 185.381, and the lading of the spirits. Both copies of Form 206 and Form 1520, if any, shall be delivered to the inspector of customs or other customs officer. In the case of distilled spirits withdrawn for transportation for export the exporter shall file an export-entry on Form 691 with the collector of customs after the inspection and lading of the spirits.

(Secs. 2885, 2886, 2905, 3176, I. R. C.)

§ 185.381 *Bulk containers.* Distilled spirits in casks, or in cases containing metallic cans, shall be carefully gauged by a customs officer and a detailed report of such gauge shall be made on Form 696, in duplicate. In preparing the report, the customs officer shall make entries thereon as to each package in accordance with the column headings. A copy of the report of gauge will be attached to each copy of Form 206 and Form 1520, if any, and delivered to the collector of customs, as provided in § 185.383. There shall be cut out of each export stamp that portion upon which is shown the serial number of the stamp, the date of issue, the name of the collector issuing the same, the serial number of the cask or package, the contents in proof gallons, and the name of the internal revenue storekeeper-gauger. The cut-out portions of the export stamps shall then be attached to one copy of Form 206 for delivery to the collector of customs. After the export stamps have been scalped, the portions thereof remaining on each cask or package shall be obliterated.

(Secs. 2885, 2886, 3176, I. R. C.)

§ 185.382 *Bottled spirits.* A customs officer at the port of export will in every instance carefully inspect cases containing spirits for the purpose of ascertaining whether the cases bear evidence of tampering or have sustained losses in transit due to breakage. The officer will report on Form 206 any cases as to which a discrepancy is found, giving the serial numbers of the cases, their original contents in proof gallons, and the nature of the discrepancy as to each case. When the officer has completed his inspection and report as prescribed above, the entire shipment may be laden without detention of the deficient cases, unless the circumstances indicate fraud, in which event such cases will be detained pending investigation by the district supervisor, to whom the detention should be immediately reported.

(Secs. 2905, 3176, I. R. C.)

§ 185.383 *Return of inspection and lading.* After the spirits have been duly laden on board the exporting vessel, car, or truck the customs officer shall execute his report on Form 206 and forward all copies to the collector of customs, together with Forms 1520 and Form 696 in the event the shipment was composed of bulk containers.

(Secs. 2885, 2886, 2905, 3176, I. R. C.)

§ 185.384 *Disposition of forms by collectors of customs.* Upon receipt of the duly executed forms, the collector of customs will execute his certificate on Form 206 and will forward the copy of such form bearing the cut-out portions of the export stamps and one copy of Form 1520 and Form 696, if any, to the district supervisor of the district in which is located the warehouse from which the spirits were removed for exportation.

(Secs. 2885, 2886, 2905, 3170, 3176, I. R. C.)

§ 185.385 *Exportation in railroad cars or trucks from port of entry through another port.* Where distilled spirits are to be exported by rail or in trucks through a frontier port and it is desired to avoid the delay of customs inspection and gauge at such port, the spirits may be entered for exportation at an interior customs port and inspected and gauged by a customs officer at that port. The inspecting customs officer will supervise the loading of the spirits and seal the car or truck with customs seals and note the car number or license number of the truck, as the case may be, and the serial numbers of the customs seals, if numbered seals are used, in his report on both copies of Form 206 and forward the forms with Forms 1520 attached together with a copy of the bill of lading to be furnished by the exporter to the collector of customs. The collector will forward both copies of Forms 206 and 1520 to the customs officer at the frontier port and retain the bill of lading and the cut-out portions of the export stamps, if any, pending return of Forms 206. If the customs officer at the frontier port finds upon arrival of the car or truck that the seals are intact and there is no evidence of tampering with the contents, he will execute his report on Form 206, and allow the car or truck to proceed to its destination without opening. The officer will then return both copies of the receipted Form 206 with Form 1520 attached to the collector of customs at the port of entry. If, however, the customs officer finds that the seals are not intact or there is evidence of tampering with the contents, he will open the car or truck, inspect and gauge the spirits, and make report of his gauge on Form 696, in duplicate. When the spirits are so inspected and gauged, the customs officer will append to each copy of Form 206 (with Form 1520 attached, if any) a copy of his gauge on Form 696 before forwarding the forms to the collector of customs at the port of entry. Upon receipt of Forms 206 and Forms 1520 and 696, if any, from the customs officer at the frontier port, the collector at the port of entry will execute his certificate on both copies of Form 206, properly modified, and forward one copy of each form and the cut-out portions of export stamps from packages (if any) to the district supervisor of the district from which the spirits were withdrawn from the warehouse.

(Secs. 2885, 2886, 2905, 3170, 3176, I. R. C.)

§ 185.394 *Account with export bonds. Forms 657, 658, 547, and 548.* The district supervisor will keep an account on Form 1688, "District Supervisor's Account of Withdrawals of Liquors for Exportation, Free of Tax," with each continuing export bond on Form 657 or Form 658 and with each specific export bond on Form 547 or Form 548. The account shall show all of the information as indicated in the heading and by the various columns and as required by instructions issued in respect thereto and by this part.

(Secs. 2885, 2886, 2905, 3170, 3176, I. R. C.)

LOSS OF DISTILLED SPIRITS WITHDRAWN FREE OF TAX FOR EXPORTATION

§ 185.397 *Tax to be reported for assessment.* If, upon examination of Forms 206, 1520, and 696 received from the collector of customs, it shall appear that there has been a loss of distilled spirits from packages while in transit from the internal revenue bonded warehouse from which withdrawn to the port of exportation, the district supervisor will report for assessment the tax on the deficiency in accordance with prescribed procedure. Where the deficiency from any package does not exceed one proof gallon, and there is no evidence indicative of tampering, the deficiency may be disregarded. Where cases show evidence of loss while in transit, the district supervisor will report for assessment the tax on the deficiency of each such case.

(Secs. 2885, 2886, 3176, I. R. C.)

TRANSFER OF DISTILLED SPIRITS TO CUSTOMS MANUFACTURING BONDED WAREHOUSES

§ 185.413 *Withdrawal of packages.* When any manufacturer, who is the proprietor of a customs manufacturing bonded warehouse, desires to remove distillers' original packages of distilled spirits to such warehouse from an internal revenue bonded warehouse, free of tax, for use in the manufacture of medicines, preparations, compositions, perfumeries, cosmetics, and cordials and other liquors, for export, or, in the case of spirits rectified or reduced in proof and bottled, for export or shipment to Puerto Rico, he shall execute application, Form 206, in quintuplicate, in accordance with the applicable provisions of § 185.317, indicating thereon that the spirits are to be withdrawn for transfer to a customs manufacturing warehouse.

The proprietor of the internal revenue bonded warehouse from which the spirits are to be removed shall execute request on Form 206 for regauge of the packages covered by the application. The provisions of §§ 185.317 to 185.337, relating to the gauging, taxpayment of excess losses, stamping, and removal of distillers' original packages for exportation, shall so far as applicable apply to packages to be removed to customs manufacturing warehouses.

(Secs. 2891 (a), 3176, I. R. C.)

§ 185.415 *Account with bonds, Form 1618 and Form 643.* The district supervisor will keep an account on Form 1687, "District Supervisor's Account of Transfers of Liquors to Customs Manufacturing Bonded Warehouse," with each continuing bond on Form 1618 and with each specific bond on Form 643. The account shall show all of the information as indicated in the heading and by the various columns and as required by instructions issued in respect thereto and by this part.

(Secs. 2891, 3176, I. R. C.)

§ 185.418 *Regauge and deposit in customs manufacturing warehouse.* Upon receipt of Forms 206 and 1520, the collector of customs will direct the proper officer to inspect and gauge the spirits upon their arrival at the warehouse, and to supervise their deposit therein. The officer will make a report of his gauge on Form 696, in duplicate, scalp the export stamps and attach them to one copy of the form, supervise the deposit of the spirits in the warehouse, execute his certificate on Customs Form 3923, in duplicate, and forward the forms to the collector of customs, who will execute his certificate on Form 3923 and forward one copy of each form with the scalped stamps and one copy each of Form 206 and Form 1520 to the district supervisor of the district from which the spirits were received.

(Secs. 2891 (a), 3176, I. R. C.)

§ 185.419 *Action by district supervisor.* Upon receipt of Forms 3923, 696, 206, and 1520 from the collector of customs, the district supervisor will ascertain whether there has been a loss of spirits from the packages when in transit. If such loss of spirits has occurred, the district supervisor will proceed as provided in § 185.397 in the case of loss of spirits from packages while in transit for exportation. If there has been no loss of spirits in transit, the district supervisor will, if the spirits were withdrawn on a continuing bond on Form 1618, make appropriate credit entries on Form 1687, or, if the withdrawal was made under bond on Form 643, cancel such bond in accordance with the provisions of § 185.129 and make appropriate credit entries on Form 1687.

(Secs. 2891, 3176, I. R. C.)

Storekeeper-Gauger's Files and Records

§ 185.467 *Files and records covering deposits.* The storekeeper-gauger's copy of all Forms 1520, covering the deposit in warehouse of spirits received from distilleries; Forms 1619 and 1620, covering spirits received from other warehouses; Forms 1520, covering packages filled from storage tanks and retained in the warehouse; Forms 1520, covering packages filled from brandy-blending tanks; and Forms 1620, covering cases of bottled-in-bond spirits returned to the storage portion of the warehouse, shall be filed as permanent records, in bound form, in the office of the storekeeper-gauger. The storekeeper-gauger shall enter the date of deposit of the spirits in the warehouse at the bottom of each form. Before filing such forms the storekeeper-gauger shall make appropriate entries covering the receipt of the spirits in his summary of deposits and withdrawals, Form 1621. Forms 1520 and 1619 shall be filed under the name of the producing distiller (or warehouseman in the case of blended brandies) and arranged in chronological order according to date of deposit, and in sequence by serial numbers of the packages where possible. Forms 1620 shall be filed similarly in a separate binder. Separate files shall be maintained for storage tanks and for packages filled from storage tanks and retained in the warehouse and for packages filled from brandy-blending tanks. Where two or more lots of spirits are deposited in the same storage tank the Forms 1520 covering such deposits shall be kept together and identifying notations shall be made on each form showing that they collectively represent the spirits deposited in the tank. When the last deposit is made in a tank, a recapitulation of the deposits will be made on the Form 1520 covering the last deposit, and withdrawals will be noted on such form. The date of deposit of the spirits shall be entered at the bottom of each Form 236, covering spirits received in bond from other premises, at the bottom of each Form 1515 covering spirits bottled in bond and returned to the warehouse, and at the bottom of each Form 1685 covering brandy blended in brandy-blending tanks and returned to the warehouse and such forms shall be filed separately by form number in chronological order.

(Secs. 2801 (e) (5), 3176, I. R. C.)

§ 185.471 *Filing of withdrawal forms and applications.* The copies of the reports of the withdrawal gauge, Form 1520, the reports of removal for transfer in bond, Form 1619 or 1620, or the application for tax payment and withdrawal of bottled-in-bond spirits, Form 1519, as the case may be, retained by the storekeeper-gauger, shall be filed separately by form number in chronological order, according to the date of withdrawal noted on the bottom of the forms. The storekeeper-gauger's copies of withdrawal applications, Forms 179, 206, 236, 257, 573, 1515, and 1685, and of permit, Form 1508, will be filed separately by form number, in chronological order, in the same manner as the withdrawal forms. The withdrawal reports and applications for each month shall be separated in the file by proper markings and each file shall be appropriately marked to show the kind of forms contained therein and the period covered thereby.

(Secs. 2801 (e) (5), 3176, I. R. C.)

Storekeeper-Gauger's Monthly Return

§ 185.473 *Filing return.* The storekeeper-gauger will prepare and forward two copies of the record to the district supervisor on or before the fifth day of the month succeeding that for which rendered: *Provided*, That the district supervisor may extend the time for filing the return to the 10th day of such month in the case of warehouses where there are numerous transactions. The district supervisor will, after audit and not later than the last day of the month succeeding that for which the return is rendered, forward one copy of each such return to the Commissioner and will retain the remaining copy.

(Secs. 2915, 3176, I. R. C.)

Supplies for Certain Vessels and Aircraft

§ 185.500 *Procedure.* Application to remove distilled spirits in packages and in cases bottled in bond for export from internal revenue bonded warehouses for use as supplies on vessels or aircraft will be made on Form 206. The procedure prescribed in §§ 185.317 to 185.350, as it relates to the withdrawal of packages from internal revenue bonded warehouses for exportation, is hereby made applicable to the withdrawal of packages for use as supplies on vessels or aircraft. The procedure prescribed in §§ 185.366 to 185.368a, relating to the transfer and withdrawal of spirits bottled in bond for export, is hereby made applicable to the transfer and withdrawal of bottled spirits free of tax for use in supplies on vessels or aircraft.

(Sec. 3176, I. R. C.; sec. 309 (a), Tariff Act of 1930 (19 U. S. C. 1309))

§ 185.502 *Export entry.* Before the spirits may be laden on the vessel or aircraft, the owner must file Form 206 with the collector of customs. The provisions of §§ 185.379, 185.380, and 185.382 to 185.384, will be observed insofar as applicable.

(Sec. 3176, I. R. C.; sec. 309 (a), Tariff Act of 1930 (19 U. S. C. 1309))

§ 185.505 *Records.* When spirits are withdrawn for use as supplies on vessels or aircraft, the quantity so removed will be reported on Form 1513.

(Sec. 3176, I. R. C.; sec. 309 (a), Tariff Act of 1930 (19 U. S. C. 1309))

Voluntary Destruction of Spirits

§ 185.512 *Destruction.* Spirits authorized to be destroyed will be regauged by the storekeeper-gauger and reported for that purpose on Form 1520, in quadruplicate. Following such regauge and payment of tax on any deficiency as hereinafter set forth, the spirits may be destroyed under the immediate supervision of the storekeeper-gauger by running the same into the sewer or by other suitable means. The storekeeper-gauger will then certify to such destruction on the Form 1520, return one copy of the form to the warehouseman, retain one copy for his file, and forward one copy to the district supervisor. He will take appropriate credit for the spirits so destroyed at a special line on Form 1513.

If the regauge discloses losses in excess of the statutory allowance, such losses must be tax-paid prior to destruction of the spirits. The Form 1520, in quadruplicate, will be submitted to the collector accompanied by the warehouseman's remittance for the tax. Upon collection of the tax, the collector will certify the tax-payment on the four copies of the Form 1520, retain one copy of the form, and forward three copies of the form to the warehouseman. The collector will list the item on his current distilled spirits tax list. The warehouseman will return the three copies of Form 1520 received from the collector to the storekeeper-gauger.

(Secs. 2901, 3176, I. R. C.)

2. The purposes of the amendments are as follows:

(a) To simplify the records in connection with bottling-in-bond transactions by eliminating the use of Form 655 (Application for Withdrawal, Bottling in Bond, and Storage of Bottled Spirits for Export) and Form 1518 (Application for Withdrawal of Distilled Spirits, Bottling Before Tax-Payment, and Return to Bonded Warehouse), and reporting all of the required information on Form 1515 (Distilled Spirits Bottled-in-Bond);

(b) To provide, in the case of direct exportation, that Form 206 Revised, (Distilled Spirits for Exportation, Free of Tax) be used in lieu of Form 206 (Application and Entry for Withdrawal of Distilled Spirits for Exportation, and 691 (Entry for Exportation);

(c) To prescribe the use of Forms 1687 (District Supervisor's Account of Transfers of Liquors to Customs Manufacturing Bonded Warehouse), 1688 (District Supervisor's Account of Withdrawals of Liquors for Exportation), and 1691 (District Supervisor's Account of Losses of Alcohol and Distilled Spirits) by the district supervisor in maintaining administrative control of transfers to customs manufacturing bonded warehouses, exportations, and losses and accounts with the bonds covering such transfers and exportations; and

(d) To eliminate the requirements for submission of monthly report, Form 1514 (Supervisor's Account as to Distilled Spirits in Internal Revenue Bonded Warehouses).

(e) To eliminate the jurat from Form 27-D (Application by Proprietor of Internal Revenue Bonded Warehouse).

3. This Treasury decision shall be effective the 31st day after its publication in the FEDERAL REGISTER.

[F. R. Doc. 50-1513; Filed, Feb. 21, 1950; 8:54 a. m.]

[26 CFR, Part 188]

BOTTLING OF DISTILLED SPIRITS (OTHER THAN ALCOHOL) IN BOND

SIMPLIFICATION OF RECORDS

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2800, 2802 (a), 2803, 2871, 2882, 2884, 2903, 2904, 2905, 2910, and 3176, Internal Revenue Code (26, U. S. C. secs. 2800, 2802 (a), 2803, 2871, 2882, 2884, 2903, 2904, 2905, 2910 and 3176) and sec. 505, 49 Stat. 1965; (27 U. S. C., Sup. 205).

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

1. Regulations 6 (26 CFR, Part 188) approved September 19, 1940, are amended, as follows, by:

(a) Amending §§ 188.46 (first paragraph), 188.46 (b), 188.48, 188.49, 188.50, 188.56, 188.65, 188.66, 188.67 (c), 188.69, 188.100, 188.107, 188.117, 188.122, 188.126;

(b) Adding § 188.122a; and

(c) Revoking § 188.123.

TRANSFER OF SPIRITS TO BOTTLING-IN-BOND DEPARTMENTS

§ 188.46 *Entry for withdrawal.* The entry for withdrawal for bottling in bond for domestic purposes must bear date not less than four years after date of original gauge as to fruit brandy, or original entry as to all other spirits. The period during which spirits are stored in tanks in warehouses must be deducted from the age in determining whether such spirits are eligible for bottling in bond, that is, the entry for withdrawal must bear date not less than four years after the date of filling of the packages. The gauging, marking, branding, stamping, execution of Form 179 or Form 1515, etc. and the removal of the spirits from the bottling-in-bond department shall be in conformity with the applicable provisions of this part and Part 185 of this chapter (Regulations 10).

* * * * *

(b) *Bottling before tax-payment.* The withdrawal of distilled spirits for bottling in bond before tax-payment, and the bottling thereof, shall be pursuant to application made to the storekeeper-gauger in charge of the warehouse on Form 1515, "Distilled Spirits Bottled in Bond," in quintuplicate.

* * * * *

(Secs. 2903, 2904, 3176, I. R. C.)

§ 188.48 *Application for withdrawal of spirits for bottling for export.* Whenever spirits are to be withdrawn from an internal revenue bonded warehouse for bottling in bond for exportation, free of tax, application for withdrawal will be made pursuant to Form 1515, "Distilled Spirits Bottled in Bond," in quintuplicate. The storekeeper-gauger will determine that the spirits are eligible for bottling in bond for export before they are regauged for that purpose. Every package of distilled spirits withdrawn for bottling in bond for exportation must have an export stamp affixed thereto at the time of its removal from the bonded warehouse to the bottling-in-bond department. The execution of Form 1515, and the gauging, marking, branding, and stamping of packages of distilled spirits to be bottled in bond for export, and the removal from the warehouse, removal from the bottling-in-bond department for export, and return to the warehouse for temporary storage for export shall be in conformity with this part and the applicable provisions of Part 185 of this chapter (Regulations 10).

(a) *Removal of bottled spirits.* Upon completion of bottling, the filled bottles with labels and strip stamps properly affixed must be placed in cases marked in accordance with §§ 188.78 to 188.83 and the filled cases will then be sealed. If the spirits are to be returned to the storage portion of the warehouse for temporary storage before exportation, they shall be immediately removed to the storage portion of the warehouse. If the spirits are to be removed directly from the bottling-in-bond department for exportation, application on Form 206 covering the exportation must be filed immediately upon completion of the bottling and the cased spirits will be held in the bottling-in-bond department until receipt of approved copies of Form 206, after which they will be removed in accordance with the applicable provisions in Part 185 of this chapter (Regulations 10).

(Secs. 2903, 2904, 2905, 2910, 3176, I. R. C.)

§ 188.49 *Bottling tax-paid spirits.* Proprietors of bonded warehouses desiring to bottle distilled spirits after tax-payment should so indicate on Form 179, covering the entry for tax-payment of the spirits. The forms will be submitted in quadruplicate to the storekeeper-gauger in charge of the warehouse. The storekeeper-gauger making the regauge will report the same in detail on Form 1520, "Storekeeper-Gauger's Report of Spirits Gauged," also in quadruplicate, three copies of which, together with all copies of Form 179, will be delivered to the proprietor of the warehouse, who will forward the same to the collector of the district with remittance for the tax. Upon issuance of the tax-paid stamps, the collector will enter the serial numbers of the stamps in the appropriate spaces on all copies of Forms 179 and 1520, sign the certificate of tax-payment on all copies of Form 179, retain one copy of each Form 179 and Form 1520, and return the remaining three copies of Form 179 and two copies of Form 1520 to the proprietor with the stamps, who will deliver the same to the storekeeper-gauger. Upon withdrawal of the spirits the storekeeper-gauger will forward one copy of each form to the district supervisor, deliver one copy of each to the proprietor, and file one copy of each form in his office in conformity with the provisions of Part 185 of this chapter (Regulations 10). When the spirits are removed to the bottling-in-bond department the proprietor will execute his application for withdrawal and for bottling in bond on Form 1515 in accordance with instructions printed thereon or issued in respect thereto and as required

by this part. He will deliver all copies of the form to the storekeeper-gauger in the bottling-in-bond department. Upon completion of the bottling and removal of the cases the storekeeper-gauger will prepare his report of dumping, bottling and disposition of cases on Form 1515, forward one copy to the district supervisor, deliver one copy to the proprietor and file the remaining copy in the bottling-in-bond department.

(Secs. 2800, 2802 (a), 2882, 2884, 2903, 2904, 3176, I. R. C.)

§ 188.50 *Bottling before tax-payment.* Upon receipt of application on Form 1515, in quintuplicate, filed pursuant to paragraph (b), of § 188.46, and upon satisfying himself that the spirits are eligible for bottling in bond, the storekeeper-gauger will inspect, gauge, and supervise the marking of the packages. He will make a detailed report of the gauge on Form 1520, in quintuplicate, and enter a summary thereof on each copy of Form 1515.

(a) *Tax to be paid on excess losses.* If the regauge discloses excess losses to be tax-paid, the storekeeper-gauger will retain one copy each of Form 1515 and Form 1520 and deliver four copies of each form to the proprietor who will forward all such copies to the collector for the district in which the bonded warehouse is located, together with the remittance for the tax due on the excess losses. The collector will execute his certificate as to the payment of the tax on each Form 1515, retain one copy of each form, and return the remaining copies to the warehouse proprietor for delivery to the storekeeper-gauger. After the packages have been properly marked, branded, and removed to the bottling-in-bond department the storekeeper-gauger will complete his certificate of removal on all copies of Form 1515 (including his retained copy) and return the four copies of Form 1515 together with three copies of Form 1520 to the warehouse proprietor. After the spirits have been dumped and reduced in proof the proprietor will execute his application to bottle in bond and his application for strip stamps pursuant to § 188.100 or 188.107, as the case may be, on Form 1515 and deliver all copies of Forms 1515 and 1520 to the storekeeper-gauger in charge of the bottling-in-bond department. If excess losses are not disclosed by the regauge, the forms will not be sent to the collector.

(b) *Evidence of tax-payment.* The storekeeper-gauger may release distilled spirits for bottling in bond before payment of the tax on excess losses from packages removed for bottling in bond before tax-payment. However, Forms 1515 and 1520, together with the remittance, must be transmitted to the collector immediately, and when such is done, the bottling of the spirits contained in such packages, and the return thereof to the storage portion of the bonded warehouse may be permitted prior to the return of Forms 1515 and 1520 from the collector: *Provided*, That in such cases extra copies of Forms 1515 and 1520 covering the packages should be furnished the officer at the bottling-in-bond department in order that he may be in a position to inspect the spirits prior to dumping for bottling. Upon return of the receipted Forms 1515 from the collector, the storekeeper-gauger will compare the amounts, and if found to be in agreement, the extra copies will be destroyed.

(c) *Completion of bottling.* When the bottling is completed, the storekeeper-gauger in the bottling-in-bond department will complete his report of dumping, bottling and disposition on Form 1515, forward one copy with Form 1520 attached to the district supervisor, deliver one copy of each form to the proprietor, return one copy of Form 1515 to the storekeeper-gauger in charge of the warehouse and file the remaining copy of each form in the bottling-in-bond department.

(Secs. 2800, 2802 (a), 2882, 2884, 2903, 2904, 3176, I. R. C.)

DUMPING, REDUCING, AND BOTTLING

§ 188.56 *Bottling conducted under supervision of storekeeper-gauger.* The entire operation of bottling spirits in bond, including the withdrawal of the spirits from the packages, the effacement and obliteration of every mark, brand, and stamp on the packages emptied, the straining of the spirits and their reduction by the addition of pure water to the proof required by law, the filling and stamping of the bottles and the casing of the bottles, and the removal of the cases from the bottling-in-bond department upon the completion of bottling of each lot will be performed by the proprietor of the warehouse under the immediate supervision of the storekeeper-gauger: *Provided*, That the storekeeper-gauger shall determine the proof of the spirits in the tank after reduction and prior to release for bottling, and make appropriate entries on Form 1515. The proof of the spirits shall be adjusted to a whole degree of proof in accordance with the provisions of the Gauging Manual (26 CFR, Part 186) preparatory to filling bottles. Adjusting the proof to tenths of a degree, either above or below the whole or complete degree, will not be permitted: *Provided*, That when spirits are being prepared for bottling in bond for export and are to be bottled and labeled in tenths of a degree of proof, such as 86.6, the proof of the spirits shall be adjusted to such tenths of a degree of proof. The proof in each instance shall be verified as to accuracy by the Government officer. The proof will be determined in accordance with the rules stated in the Gauging Manual (26 CFR, Part 186). While the storekeeper-gauger is charged with the duty of requiring compliance with the provisions of the law and this part by the persons engaged in the various operations of bottling the spirits, his failure in any instance will not relieve the proprietor of the warehouse from responsibility.

(Secs. 2903, 2904, 3176, I. R. C.)

§ 188.65 *Remnant cases of domestic spirits.* Where there is less than a case of bottled spirits remaining from a lot of spirits bottled, the remnant will be placed in a case constructed in the same manner as the cases described in §§ 188.89 to 188.91. The remnant case will be given the serial number of the last full case containing spirits in the same lot, followed by the letter "R", thus: "100R" or "161R." If the next lot of spirits dumped for bottling is of the same kind, produced by the same distiller, under the same name, at the same distillery during the same year and the distilling season, the remnant case may be held in the bottling-in-bond department and used for filling a complete case, or the contents may be dumped into the bottling tank and mingled with such other spirits for bottling in bond for domestic purposes. Otherwise, the remnant case will be removed with the other cases from the bottling-in-bond department to the storage portion of the warehouse and appropriate entry made in the record. Such remnant case may be tax-paid for domestic consumption, or may be returned from the storage portion of the bonded warehouse to the bottling-in-bond department when the next lot of spirits of the same kind, produced by the same distiller, under the same name, at the same distillery during the same year and distilling season is dumped for bottling. The bottles may be used for filling a complete case or the contents may be dumped into the bottling tank and mingled with such other spirits for bottling in bond for domestic purposes. In all cases when a remnant is disposed of as heretofore provided, notation will be made on Form 1515, showing the disposition of such remnant.

(Secs. 2903, 2904, 3176, I. R. C.)

§ 188.66 *Remnants of low-proof spirits.* Remnants of spirits resulting from overflow in filling bottles, and spirits which have deteriorated in proof by evaporation or repacking of filters, may be returned, under the immediate supervision of the storekeeper-gauger, to the dumping, reducing, dumping and reducing tank, or bottling tank, containing the same or another lot of spirits of the same kind, produced by the same distiller, under the same name, at the same distillery during the same distilling season and year. Distilled spirits so returned to the dumping, reducing, dumping and reducing, or bottling tank will be reported on Form 1515, "Distilled Spirits Bottled in Bond," and Form 1516, "Storekeeper-Gauger's Monthly Return of Distilled Spirits Bottled in Bond."

(Secs. 2903, 2904, 3176, I. R. C.)

§ 188.67 *Remnants of distilled spirits bottled in bond for export.* * * *

(c) *Records.* In all cases where a remnant is disposed of as heretofore provided, notation will be made on Form 1515 and Form 1620, showing the disposition made of such remnant.

(Secs. 2800, 2803, 2871, 2903, 2904, 3176, I. R. C.; sec. 505, 49 Stat. 1965 (27 U. S. C., Sup. 205)

§ 188.69 *Remnant cases of spirits bottled in bond for export returned to bottling-in-bond department.* When remnant cases of spirits bottled in bond for export are to be returned to the bottling-in-bond department from the storage portion of the warehouse for use in filling a complete case, they will be in-

cluded in the application, Form 1515, covering the withdrawal of bulk containers for bottling for export.

(Secs. 2903, 2904, 3176, I. R. C.)

STAMPS

DOMESTIC STRIP STAMPS

§ 188.100 *Proprietor's application, Form 1515.* All distilled spirits of each particular lot transferred to a bottling tank should be immediately drawn off into bottles of the desired size or sizes, as provided in this part. Application for domestic strip stamps will be made by the proprietor on Form 1515 at the time of execution of his application to bottle in bond pursuant to §§ 188.49 and 188.50. The applicant should request the number of strip stamps necessary to bottle the quantity of spirits contained in the packages as indicated by the proof-gallon content shown by the regauge for withdrawal.

(Secs. 2903, 2904, 3176, I. R. C.)

EXPORT STRIP STAMPS

§ 188.107 *Application, Form 1515.* Application for export strip stamps will be made by the proprietor on Form 1515 at the time of execution of his application to bottle in bond pursuant to § 188.48. The applicant should request the number of strip stamps necessary to bottle the quantity of spirits contained in the packages as indicated by the proof-gallon shown by the regauge for withdrawal.

(Secs. 2903, 2904, 2905, 3176, I. R. C.)

REBOTTLING, RELABELING, AND RESTAMPING OF BOTTLED SPIRITS

§ 188.117 *Records and reports.* Application will be made on Form 1515 for the removal of bottled spirits from the internal revenue bonded warehouse for rebottling. Entries will be made in the proper columns of Form 1513, "Storekeeper-Gauger's Monthly Return for Bonded Warehouse," showing the removal of the cases for rebottling and, after rebottling, the return of the cases filled to the bonded warehouse. Application will be made on Form 1515 to the storekeeper-gauger in charge of the warehouse for strip stamps sufficient to cover the quantity of spirits bottled. Entries for rebottling untax-paid spirits will be made on Form 1516 in the same manner as spirits are entered for original bottling before tax-payment. Tax will be paid on all losses sustained in rebottling untax-paid spirits in accordance with § 188.64. Spirits rebottled, relabeled, or restamped after tax-payment will not be entered on Forms 1513 or 1516; however, application on Form 1515 will be made when tax-paid spirits are to be rebottled or restamped in accordance with the regulations in this part and the form properly modified to show that the spirits have been rebottled, or restamped.

(Secs. 2903, 2904, 3176, I. R. C.)

STOREKEEPER-GAUGER'S FILES

AUDIT OF REPORTS

§ 188.122 *Audit by district supervisor.* After audit, and not later than the last day of the month succeeding that for which Form 1516 is rendered, the district supervisor will forward one copy to the Commissioner.

(Secs. 2903, 2904, 3176, I. R. C.)

§ 188.122a *District supervisor's account.* The district supervisor will maintain a control account for losses in bottling for the bottling-in-bond departments of warehouses on Form 1691, "District Supervisor's Account of Losses of Alcohol or Distilled Spirits." The account shall show all of the information as indicated in the heading and by the various columns and as required by instructions issued in respect thereto and by this part.

(Secs. 2903, 2904, 3176, I. R. C.)

BOTTLING OF DISTILLED SPIRITS UNDER AN APPROVED TRADE NAME OR NAMES

§ 188.126 *Bottling.* Before bottling distilled spirits in bond under an approved trade name, the proprietor will execute Form 1515, in quintuplicate, in accordance with §§ 188.48 to 188.50, and show in the appropriate place on the form the name under which the spirits are to be bottled.

(Secs. 2903, 2904, 3176, I. R. C.)

2. These amendments are made for the purpose of simplifying the records in connection with bottling-in-bond transactions by:

(a) Eliminating the use of Form 1518 (Application for Withdrawal of Distilled Spirits, Bottling Before Tax-payment, and Return to Bonded Warehouse) and Form 655 (Application for Withdrawal, Bottling in Bond, and Storage of Bottled Spirits for Export), and reporting the required information on Form 1515 (Distilled Spirits Bottled in Bond);

(b) Providing that cased spirits bottled for immediate exportation may be held in the bottling-in-bond department pending approval of Form 206 (Distilled Spirits for Exportation, Free of Tax) covering such exportation, and that spirits so removed shall be shown as constructively returned to the bonded warehouse and removed therefrom for exportation.

(c) Eliminating the requirement for submission of monthly report Form 1517 (District Supervisor's Account as to Transactions in Bottled in Bond Spirits at Internal Revenue Bonded Warehouses) by the district supervisor.

(d) Prescribing the use of Form 1691 (District Supervisor's Account of Losses of Alcohol or Distilled Spirits) by the district supervisor in maintaining an account of losses in bottling.

3. This Treasury Decision shall be effective the 31st day after its publication in the FEDERAL REGISTER.

[F. R. Doc. 50-1512; Filed, Feb. 21, 1950; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 45, 46]

COMMERCIAL OPERATOR AND AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a new Part 46 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted, in duplicate, to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by April 15, 1950, will be considered by the Board before taking further action on the proposed rules. Copies of such communications will be available after April 19, 1950, for perusal by interested persons at the Dockets Section of the Board, Room 5412, Commerce Building, Washington, D. C.

The currently effective Civil Air Regulations do not contain any requirements for the certification and operation of air carriers using helicopters.

The proposed new part is designed to apply to scheduled and irregular air transportation in helicopters and contains all of the air carrier certification and operation rules applicable to such air transportation. The part is further designed to provide a level of safety which will be the equivalent of that required of air carriers operating other aircraft in air transportation in so far as the inherent differences in such operations will permit.

The increased use of helicopters in air transportation within the past several months has focused our attention on the necessity for prescribing safety standards for the operation of such aircraft. The proposed requirements are the result of considerable study by the Federal aviation agencies of the current operations of helicopters in air transportation.

The proposed part will require an air carrier to utilize helicopters which have been certificated and identified in accordance with applicable airworthiness requirements, which have been found by the Administrator to be safe for the service offered, and which have been listed in the air carrier operating certificate. These provisions will permit the Administrator to examine and reexamine all helicopters in order to determine whether or not they are equipped and maintained in accordance with required standards, and will provide an administrative means for limiting transient use of helicopters so that the Administrator may be assured that the maintenance and training required is satisfactorily provided for by the air carrier. Each helicopter will be required to be equipped with specified instruments and equipment acceptable to the Administrator for day and night operations, and the air carrier shall provide a cockpit check list for each type of helicopter. In addition, no helicopter may be used unless it meets such operating limitations as the Administrator determines will provide a safe relation between the helicopter and the heliport to be used and the areas to be traversed.

In order to expedite the Administrative problems under the part, it is proposed to require that each air carrier

shall promptly notify the Administrator of any change in the address of its principal business office, principal operations base, and principal maintenance base.

The part also contains provisions for the preparation and maintenance by the air carriers of operations and maintenance manuals for the guidance of its operations and maintenance personnel. The form and content of the manuals shall be acceptable to the Administrator.

In addition, this proposal provides that the facilities necessary for the proper inspection, maintenance, overhaul, and repair of the type of helicopter used shall be maintained by the air carrier unless arrangements acceptable to the Administrator are made with other persons possessing such facilities.

The pilots and mechanics utilized in helicopter air transportation shall hold appropriate airman certificates issued by the Administrator. Pilots utilized in scheduled air transportation shall be required to hold helicopter airline transport pilot certificates. In this connection, it will be noted that it is proposed to revise Part 21, which establishes the certification requirements for airline transport pilots, to provide a separate pilot certificate for helicopter pilots. Pilots utilized in irregular operations shall be required to hold at least a commercial pilot certificate with an appropriate rating.

All pilots, prior to utilization in scheduled helicopter operations, will be required to demonstrate competency to pilot helicopters and to be familiar with the route or routes to be flown. Each individual piloting helicopters in air transportation shall, at least twice each calendar year, be required to demonstrate proficiency in the piloting of helicopters. In addition, no such individual shall be scheduled to pilot helicopters more than 5 hours in any 24 consecutive hours nor more than 85 hours in any month.

This part further provides for the establishment of appropriate flight clearance procedures, weather minimums, and flight altitudes, and prohibits the operation of helicopters in air transportation unless certain meteorological conditions exist or ample ground reference lights are available to permit the flight attitude of the helicopter to be properly controlled. Further, all heliports used in scheduled operations are required to be individually approved by the Administrator.

The part also provides for the maintenance of records and the submission of reports to the Administrator similar to existing air carrier requirements.

It is proposed that the provisions of Part 43 shall not be applicable to helicopter operations, because all of the aircraft operating rules pertaining to helicopters, except the aircraft identification requirements, are incorporated herein. We are concurrently considering including such requirements in appropriate airworthiness parts. If that proposal is not adopted prior to the adoption of this part, we shall incorporate herein appropriate references to current Part 43.

In order to insure that helicopters operated commercially in air commerce are operated in accordance with rules appropriate to such aircraft, the Bureau further proposes the adoption of an amendment to Part 45 which would require all citizens of the United States engaging in the carriage in air commerce of goods or passengers in helicopters for compensation or hire, unless such carriage is conducted under the provisions of an air carrier operating certificate issued by the Administrator, to comply with the operation rules of Part 46.

1. It is therefore proposed to adopt a new Part 46 to read as follows:

PART 46—AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

§ 46.0 *Applicability of part.* The provisions of this part shall apply to air transportation in helicopters. The provisions of Parts 40, 41, 42, 43, and 61 of this chapter shall not apply to air transportation in helicopters unless otherwise provided herein.

DEFINITIONS

§ 46.1 *Definitions.* (a) As used in this part the words below shall be defined as follows:

(1) *Air carrier.* "Air carrier" means any citizen of the United States who undertakes directly the carriage by aircraft of persons or property as a common carrier for compensation or hire, whether such carriage is wholly by aircraft or partly by aircraft and partly by other forms of transportation between any of the following places: A place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; places in the same State of the United States through the airspace over any place outside thereof; places in the same Territory or possession of the United States, or the District of Columbia; a place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States, and a place in any other Territory or possession of the United States; a place in the United States and any place outside thereof; or the carriage of mail by aircraft.

(2) *Aircraft.* "Aircraft" shall mean any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air.

(3) *Airman.* An "airman" shall mean any individual who engages as the person in command or as pilot, mechanic, or member of the crew in the navigation of helicopters while under way; any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of helicopters, helicopter engines, rotors, and appliances; and any individual who serves in the capacity of aircraft dispatcher or air-traffic control-tower operator.

(4) *Appliances.* "Appliances" shall mean instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, are capable of being used, or are intended to be used, in the navigation, operation, or control of helicopters in flight (including communication equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to helicopters during flight, but excluding parachutes), and which are not a part or parts of helicopters, helicopter engines, or rotors.

(5) *Channel.* "Channel" shall mean a flight course flown by a helicopter along a route.

(6) *Flight crew.* The "flight crew" shall consist of the pilot or pilots assigned to flight duty on the helicopter.

(7) *Flight time.* "Flight time" shall mean the total time from the moment the helicopter first moves under its own power for the purpose of flight until the moment it comes to rest at the end of the flight. (Block to block.)

(8) *Helicopter.* A "helicopter" is a rotorcraft which depends entirely for its support and motion in the air upon the lift generated by one or more power driven rotors.

(9) *Heliport.* A "heliport" is an area upon land or water (including structures) which is used or intended to be used for the landing and take-off of helicopters.

(10) *Rotorcraft.* A "rotorcraft" is any aircraft deriving its principal lift from one or more rotors.

(11) *Route.* A "route" is a flight path approved by the Administrator which joins those points on the surface of the earth between which an air carrier provides air transportation in accordance with the authorization of the Board.

(12) *Type of helicopter.* A "type of helicopter" shall include all helicopters of the same basic design, including all modifications which do not result in a change in handling or flight characteristics.

CERTIFICATE RULES

§ 46.5 *Certificate required.* No person subject to the provisions of this part shall engage in air transportation without, or in violation of, the terms of an air carrier operating certificate issued in accordance with the provisions of this part.

§ 46.6 *Issuance.* An air carrier operating certificate, describing the operations authorized and prescribing such operating specifications and limitations as may be reasonably required in the interest of safety, shall be issued by the Administrator to a person authorized by the Board to engage in air transportation in helicopters who demonstrates that he is capable of conducting the proposed operations in accordance with the applicable requirements hereinafter specified. Application for a certificate, or application for amendment thereof, shall be made in a manner and contain information prescribed by the Administrator.

(a) *Exceptions.* Whenever upon investigation the Administrator finds that the general standards of safety required for air carrier operations require or permit a deviation from any specific requirement of this part, he may issue an air carrier operating certificate or amendment with appropriate changes. The Administrator shall promptly notify the Board of any deviation included in the air carrier operating certificate and the reasons therefor.

§ 46.7 *Duration.* An air carrier operating certificate shall continue in effect

until surrendered, suspended, or revoked, or a termination date is set by the Board, after which it shall be returned to the Administrator.

§ 46.8 *Inspection.* An authorized representative of the Administrator or Board shall be permitted at any time and place to make inspections or examinations to determine the air carrier's compliance with the Civil Air Regulations.

§ 46.9 *Display.* The air carrier operating certificate shall be kept available at the air carrier's principal operations office for inspection by any authorized representative of the Administrator or Board.

§ 46.10 *Operations base, maintenance base, and/or office.* Each air carrier shall notify the Administrator of the location of its principal business office, principal operations base, and principal maintenance base. The air carrier shall give prior written notice to the Administrator of any change in the location of any such office or base.

OPERATING REQUIREMENTS

§ 46.15 *Operations manual.* (a) The air carrier shall prepare and maintain an operations manual for the use and guidance of operations personnel which shall contain full information necessary to guide flight and ground personnel in the conduct of safe flight operations and to inform such personnel regarding their duties and responsibilities. The manual shall also contain a copy of the air carrier operating certificate. The form and content of the manual shall be acceptable to the Administrator. Copies and revisions shall be furnished to all persons designated by the Administrator. All copies in the hands of air carrier personnel shall be kept up to date.

(b) Any changes prescribed by the Administrator in the interest of safety shall be promptly incorporated in the manual. Other changes not inconsistent with any Federal regulation, the air carrier operating certificate, or safe operating practice may be made without the prior approval of the Administrator.

(c) No operation shall be conducted by the air carrier contrary to the safety provisions of the operations manual.

§ 46.16 *Helicopter required.* Each helicopter shall be certificated and identified in accordance with the standard airworthiness requirements of the Civil Air Regulations. No air carrier shall operate a helicopter for the carriage of goods or persons for compensation or hire unless the Administrator has found such helicopter safe for the service to be offered and has listed it in the air carrier operating certificate. The registration certificate and the airworthiness certificate of each helicopter shall be carried therein.

§ 46.17 *Minimum performance requirements for all helicopters.* Except as otherwise provided in this part, no air carrier shall use any helicopter unless it meets such operating limitations as the Administrator determines will provide a safe relation between the performance of the helicopter and the heliports to be used and the areas to be traversed.

§ 46.18 *Heliport requirements.* (a) No heliport shall be used for air carrier operations unless such heliport and its facilities have been individually approved by the Administrator as safe for the type of operations to be conducted.

(b) No heliport shall be used in irregular operations unless such heliport meets the standards prescribed by the Administrator as safe for the type of operations to be conducted.

§ 46.19 *Training program.* A training program acceptable to the Administrator shall be maintained by the air carrier for all airmen utilized in the operation and maintenance of aircraft. This program shall be sufficient to assure that each airman is proficient in his duties and is kept currently informed of all techniques and new developments pertinent to his duties.

§ 46.20 *Airmen required.* (a) Pilots utilized in scheduled air transportation shall hold airline transport pilot certificates appropriate to the type of operations to be conducted.

(b) Pilots utilized in irregular air transportation shall hold at least commercial pilot certificates appropriate for the type of operations to be conducted.

(c) Mechanics who are directly in charge of the maintenance, repair, or alteration of helicopters shall hold mechanic certificates with appropriate ratings and shall be qualified on the type of helicopter used by the air carrier.

HELICOPTER EQUIPMENT

§ 46.25 *Basic required instruments and equipment for helicopters.* The following instruments and equipment acceptable to the Administrator for the type of operations specified shall be installed and in serviceable condition in all helicopters:

(a) *Day.* For day flight the following instruments and equipment are required:

(1) Air-speed indicator,

(2) Altimeter,

(3) Magnetic direction indicator,

(4) A tachometer for the main rotor or for each main rotor the speed of which may vary appreciably with respect to another main rotor,

(5) A tachometer for each engine. (These tachometers may be combined in a single instrument with that required by subparagraph (4) of this paragraph, except that such an instrument shall indicate rotor rpm during autorotation),

(6) Manifold pressure gauge for each engine,

(7) Oil pressure gauge for each engine using pressure system,

(8) Fuel pressure gauge and warning indicator for each pump-fed engine,

(9) Coolant temperature gauge for each liquid-cooled engine,

(10) Oil temperature gauge for each air-cooled engine,

(11) Fuel gauge indicating the quantity of fuel in each tank,

(12) Carburetor temperature gauge for each engine,

(13) Carburetor heating or de-icing equipment for each engine,

(14) Approved seats and safety belts adequate for all persons on board the aircraft,

(15) In passenger service, a minimum of one approved handtype fire extinguisher, accessible to the passengers and ground personnel,

(16) Source of electrical energy sufficient to operate all radio and electrical equipment installed,

(17) One spare set of fuses or 3 spare fuses of each magnitude,

(18) First-aid kit readily available and adequate for the type of operation and the number of persons carried,

(19) Two-way radio communications system when prescribed by the Administrator.

(b) *Night.* For night flight the following instruments and equipment are required:

(1) Instruments and equipment specified in paragraph (a) of this section,

(2) Set of flashing forward and rear position lights,

(3) At least one landing light,

(4) Generator of adequate capacity,

(5) One set of instrument lights,

(6) Emergency light with self-contained power source.

§ 46.26 *Cockpit check list.* The air carrier shall provide for each type of helicopter a cockpit check list which shall be installed in a readily accessible location in the cockpit of each helicopter and which shall be used by the flight crew.

§ 46.27 *Position lights.* All helicopters operated at night shall be equipped with position light systems incorporating an approved flasher device: *Provided,* That for a single-circuit system the flasher device need not be of an approved type if it operates at a rate of not less than 70 nor more than 120 flashes per minute with an on-off ratio between 2:1 and 1:1: *And provided further,* That for the single-circuit system the flasher device shall be of a fail-safe type, or a means shall be provided in the system of indicating to the pilot a failure of the flashing device and a means of turning the lights on steady in the event of such failure.

FLIGHT OPERATION RULES

§ 46.31 *Flight control.* The air carrier shall establish flight clearance procedures appropriate to the operation conducted. Such procedures shall be set forth in the operations manual.

§ 46.32 *Weather minimums.* No helicopter shall take off or land at any heliport or be flown over any route or area in air transportation when the ceiling or visibility is less than any minimums prescribed by the Administrator.

§ 46.33 *Visual ground reference required.* No helicopter shall be operated unless meteorological conditions are such as to permit the flight attitude of the helicopter to be properly controlled, or unless ample ground reference lights are available for that purpose.

§ 46.34 *Minimum altitudes.* The Administrator may prescribe the specific channels and flight altitudes for air carrier operations conducted over congested areas and may also prescribe altitudes for such operations conducted elsewhere.

§ 46.35 *Preflight and minimum fuel requirements.* No flight shall be author-

ized by the air carrier nor shall any helicopter be taken off unless the helicopter has been determined to be in a safe operating condition and unless sufficient fuel and oil are aboard, considering weather conditions to be encountered during the course of the flight, to complete such flight to the next proposed point of refueling and thereafter to fly for a period of at least 20 minutes at normal cruising consumption.

§ 46.36 *Overwater operating limitations.* Except where the overwater operations consist only of landings and take-offs, no helicopter shall be operated beyond autorotation distance from land unless it is equipped with water alighting devices.

FLIGHT CREW RULES

§ 46.41 *Pilot competency.* No air carrier shall use a pilot in air transportation unless it has determined that the pilot is competent to fly the type of helicopter to which he is to be assigned. In determining competency the air carrier shall require a demonstration of the pilot's ability to execute emergency maneuvers.

§ 46.42 *Route qualifications.* Prior to using a pilot in air transportation, the air carrier shall determine that the pilot is thoroughly familiar with the area to be served, including a detailed knowledge of usable emergency landing areas in any congested area, and with the communications and other operational procedures to be utilized over the route or within the area.

§ 46.43 *Six-month pilot competency checks.* At least twice each calendar year at intervals of not less than four months each pilot shall demonstrate to an authorized representative of the Administrator his competency to fly the type of helicopter utilized over the route and/or area to which he is assigned.

§ 46.44 *Pilot's emergency authority.* When required in the interest of safety, a pilot may make any immediate decision and follow any course of action which appears necessary in the light of the factors and information available to him, regardless of the prescribed methods, procedures, or requirements. Within 7 days after the exercise of such emergency authority, the pilot shall submit a written report to the Administrator with respect thereto.

§ 46.45 *Flight time limitations.* No individual shall be assigned to pilot a helicopter in air transportation more than five hours in any 24 consecutive hours nor more than 85 hours in any month. He shall be given at least 24 consecutive hours off duty each week. He shall not serve as pilot in air transportation if his total flight time in air transportation and in other commercial flying in any aircraft will exceed the monthly flight time limitations specified in this section.

MAINTENANCE REQUIREMENTS

§ 46.50 *General.* No helicopter shall be operated in air transportation unless it is maintained in a safe operating condition and in accordance with accepted standards and practices and the terms of the maintenance manual required by § 46.51. All maintenance, repairs, and alterations shall be effected in accordance with the procedures provided in Part 18 of this chapter and the manufacturer's instructions.

§ 46.51 *Maintenance manual.* (a) The air carrier shall prepare and maintain for the use and guidance of maintenance personnel a maintenance manual which shall contain full information pertaining to the maintenance, repair, and inspection of helicopters and equipment and clearly outline the duties and responsibilities of maintenance personnel. The form and content shall be acceptable to the Administrator. It shall contain a copy of the approved time limitations for inspection and overhaul of helicopters, helicopter engines, main lift rotors, and appliances. Copies and revisions shall be furnished to all persons designated by the Administrator.

(b) Any changes prescribed by the Administrator in the interest of safety shall be promptly incorporated in the manual. Other changes not inconsistent with any Federal regulation, the air carrier operating certificate, or safe operating practices may be made without prior approval of the Administrator.

(c) No maintenance, repair, or inspection of helicopters shall be made by the air carrier contrary to the safety provisions of the maintenance manual.

§ 46.52 *Maintenance personnel.* An adequate number of qualified mechanics and appropriate supervisory personnel shall be employed by the air carrier and kept available for performing the functions specified by § 46.50, unless arrangements acceptable to the Administrator are made with other persons so qualified.

§ 46.53 *Facilities.* Facilities for the proper inspection, maintenance, overhaul, and repair of the type of helicopter used shall be maintained by the air carrier, unless arrangements acceptable to the Administrator are made with other persons possessing such facilities.

REQUIRED RECORDS AND REPORTS

§ 46.61 *Airmen records.* Each air carrier shall maintain such current records of airmen utilized by the air carrier at such points on its routes or within its authorized areas as the Administrator may designate. These records shall contain such information concerning the qualifications of each airman as is necessary to show compliance with the appropriate qualifications and requirements prescribed by the Civil Air Regulations. No air carrier shall utilize any airman unless records are maintained for such airman as required herein.

§ 46.62 *Operation irregularity record.* The air carrier shall maintain a record of every helicopter flight in which the helicopter landed at a point not specified in the flight clearance. Such record shall indicate the reason for such unscheduled landing.

§ 46.63 *Alteration and repair records.* A record of every repair or alteration to the helicopters shall be maintained.

§ 46.64 *Maintenance record.* Current records shall be kept of the total time in service, the time since last overhaul, and time since last inspection of all helicopters, helicopter engines, main lift rotors, auxiliary rotors, and, where practicable, of all appliances. Current records shall be kept of all equipment failures, including partial failures, which occur to the helicopter during operation.

§ 46.65 *Accidents.* Notification and report of accidents shall be made in accordance with the applicable provisions of Part 62 of the Civil Air Regulations.

§ 46.66 *Reporting of malfunctioning and defects.* An air carrier shall report in a manner prescribed by the Administrator all malfunctioning and defects occurring during operation or discovered during inspection which cause or may be reasonably expected to cause an unsafe condition in any helicopter, helicopter engine, main lift rotor, auxiliary rotor, or appliance. The corrective action taken by the air carrier to prevent recurrence of the malfunctioning or defect shall be indicated.

2. It is further proposed to amend Part 45 to require all citizens of the United States engaging in the carriage in air commerce of goods or passengers in helicopters for compensation or hire to comply with the operation rules of Part 46.

Part 46 and the amendment to Part 45 are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, 49 U. S. C. 551–560, 62 Stat. 1216, act of July 1, 1948)

Dated February 14, 1950, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 50-1488; Filed, Feb. 21, 1950; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52413]

AMERICAN INDEPENDENT OIL CO. AND INDEPENDENT TANKSHIPS, INC.

REGISTRATION OF HOUSE FLAG AND FUNNEL MARK

The Commissioner of Customs, by virtue of the authority vested in him by section 7 of the act of May 28, 1908 (46 U. S. C. sec. 49), as modified by section 102, Reorganization Plan No. 3 of 1946 (3 CFR, 1946 Supp., ch. IV), and in accordance with § 3.81 (a), Customs Regulations of 1943 (19 CFR 3.81 (a)), has registered the house flag and funnel mark of the American Independent Oil Company and Independent Tankships, Inc., described below.

(a) *House flag.* The house flag is rectangular in shape. The hoist is 4 feet; the fly, 6 feet. The field of the flag is royal blue. On each side, there is an insigne representing the symbolic wrist, hand, torch, and flame of the Statue of Liberty. The wrist, hand, and torch are white, with the details outlined in thin royal-blue striping. The flame is represented in a yellowish-green or chartreuse color. When the flag is seen with the staff on the left, the torch is shown as though held in the right hand, palm toward the viewer, with the torch flame trailing slightly outward from the staff. The other side of the flag shows the torch as though held in the left hand, palm toward the viewer, with the torch flame trailing slightly outward from the staff. On either side, the insigne is centered horizontally; the tip of the flame is 2½ inches from the upper edge of the flag; and the base of the torch is 4 inches from the lower edge of the flag. The insigne thus is 3 feet 5½ inches over all vertically and it is 16¼ inches horizontally between the outermost points at the torch crown.

(b) *Funnel mark.* The funnel mark is to appear on a funnel of royal blue of a height of 23 feet and a diameter of 18 feet along the centerline of the ship. On each side of the stack, centered in a fore-and-aft direction, is an insigne representing the symbolic wrist, hand, torch, and flame of the Statue of Liberty. The wrist, hand, and torch are white, with the details outlined in thin royal-blue striping. The flame is represented in a yellowish-green or chartreuse color. On the port side of the stack, the torch is shown as though held in the right hand, palm toward the viewer, with the torch flame trailing slightly aft. On the starboard side of the stack, the torch is shown as though held in the left hand, palm toward the viewer, with the torch flame trailing slighty aft. On either side, the insigne is centered in a fore-and-aft direction and the tip of the flame is 1 foot beneath the collar of the funnel. The insignia are 15 feet over all vertically and 6 feet in width horizontally between the outermost points at the torch crown.

Colored scale replica drawings of the house flag and of the funnel mark described above are on file with the Division of the Federal Register.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 50-1507; Filed, Feb. 21, 1950; 8:52 a. m.]

Fiscal Service, Bureau of the Public Debt

[1950 Dept. Circ. No. 858]

1¼ PERCENT TREASURY NOTES OF SERIES B-1951

OFFERING OF NOTES

FEBRUARY 17, 1950.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for notes of the United States, designated 1¼ percent Treasury Notes of Series B-1951, in exchange for Treasury Certificates of Indebtedness of Series C-1950, maturing March 1, 1950.

II. *Description of notes.* 1. The notes will be dated March 1, 1950, and will bear interest from that date at the rate of 1¼ percent per annum, payable on a semiannual basis on January 1 and July 1, 1951. They will mature July 1, 1951, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before March 1, 1950, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series C-1950, maturing March 1, 1950, which will be accepted at par, and should accompany the subscription.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 50-1509; Filed, Feb. 21, 1950; 8:53 a. m.]

[1950 Dept. Circ. No. 859]

1½ PERCENT TREASURY NOTES OF SERIES A-1955

OFFERING OF NOTES

FEBRUARY 17, 1950.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for notes of the United States, designated 1½ percent Treasury Notes of Series A-1955, in exchange for 2 percent Treasury Bonds of 1950-52, dated October 19, 1942, due March 15, 1952, called for redemption March 15, 1950.

II. *Description of notes.* 1. The notes will be dated March 15, 1950, and will bear interest from that date at the rate of 1½ percent per annum, payable semiannually on September 15, 1950, and thereafter on March 15 and September 15 in each year until the principal amount becomes payable. They will mature March 15, 1955, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The notes shall

be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes alloted hereunder must be made on or before March 15, 1950, or on later allotment, and may be made only in Treasury Bonds of 1950–52, called for redemption March 15, 1950, which will be accepted at par, and should accompany the subscription. Final interest due March 15 on bonds surrendered will be paid, in the case of coupon bonds, by payment of March 15, 1950, coupons, which should be detached by holders before presentation of the bonds, and in the case of registered bonds, by checks drawn in accordance with the assignments on the bonds surrendered.

V. *Assignment of registered bonds.* 1. Treasury Bonds of 1950–52 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof to "The Secretary of the Treasury for exchange for Treasury Notes of Series A–1955 to be delivered to _____", in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasury Department, Division of Loans and Currency, Washington, D. C. The bonds must be delivered at the expense and risk of the holders.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 50–1508; Filed, Feb. 21, 1950; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2864]

CHICAGO AND SOUTHERN AIR LINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the application of Chicago and Southern Air Lines, Inc., under section 401 of the Civil Aeronautics Act of 1938, as amended, for amendment of its certificate for its foreign route so as to add Chicago, Ill., as a coterminal point.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be heard on March 16, 1950, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 17, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50–1518; Filed, Feb. 21, 1950; 8:54 a. m.]

[Docket No. 3589 et al.]

PAN AMERICAN WORLD AIRWAYS, INC., AND AMERICAN OVERSEAS AIRLINES, INC.; NORTH ATLANTIC ROUTE TRANSFER CASE

NOTICE OF ORAL ARGUMENT

In the matter of the petition for approval of an agreement between Pan American World Airways, Inc., and American Overseas Airlines, Inc., as amended September 13, 1949, and of an agreement between Pan American World Airways, Inc., and American Airlines, Inc., as amended September 13, 1949.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 408 (b) and other appropriate sections of said act, that oral argument in the above-entitled proceeding is assigned to be heard on March 1, 1950, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 17, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50–1517; Filed, Feb. 21, 1950; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

RADIO ALTIMETERS

EXTENSION OF AUTHORITY TO OPERATE ABOARD AIRCRAFT

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of February 1950;

The Commission having, on February 8, 1950, extended the period during which the band 420–460 Mc. is available for use with aircraft radio altimeters from February 15, 1950, to February 15, 1953;

It appearing, that there are many aircraft station licenses outstanding which include authority to use this band for radio altimeter purposes only until February 15, 1950; and

It further appearing, that it is desirable to extend the period of such authority to February 15, 1953, as presently permitted under the Commission's rules and regulations:

It is ordered, That effective immediately all authority to operate radio altimeter equipment aboard aircraft in the band 420–460 Mc. is extended to the expiration date of the outstanding station license or until February 15, 1953, whichever is earlier.

It is further ordered, That a copy of this order be attached to and made a part of all such licenses.

Released: February 15, 1950.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50–1505; Filed, Feb. 21, 1950; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1322]

PANHANDLE EASTERN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

On February 3, 1950, Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation having its principal place of business at Kansas City, Missouri, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of meter and measuring equipment near Albion, Michigan, and the delivery of natural gas to a proposed new plant to be constructed by Corning Glass Company in Albion, Michigan, as more fully described in the application on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened

procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure for non-contested proceedings, and this proceeding appears to be a proper one for disposition under the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on February 11, 1950 (15 F. R. 778).

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, an amended, and the Commission's rules of practice and procedure, a public hearing be held on March 1, 1950, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue N.W., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(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: February 16, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-1474; Filed, Feb. 21, 1950; 8:45 a. m.]

[Project No. 16]

NIAGARA FALLS POWER CO.

NOTICE OF ORDER APPROVING EXHIBIT

FEBRUARY 17, 1950.

Notice is hereby given that, on February 16, 1950, the Federal Power Commission issued its order entered February 14, 1950, approving Exhibit K in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-1498; Filed, Feb. 21, 1950; 8:51 a. m.]

[Project No. 201]

TOWN OF PETERSBURG, ALASKA

NOTICE OF ORDER EXTENDING TIME FOR COMPLETION OF CONSTRUCTION

FEBRUARY 17, 1950.

Notice is hereby given that, on February 16, 1950, the Federal Power Commission issued its order entered February 14, 1950, extending the time until December 31, 1950, for completion of construction in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-1499; Filed, Feb. 21, 1950; 8:51 a. m.]

[Project No. 2038]

WINDSOR LOCKS CANAL CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

FEBRUARY 16, 1950.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) that The Windsor Locks Canal Company of Hartford, Connecticut, has filed application for preliminary permit covering a proposed hydroelectric development on the Connecticut River at Enfield Rapids, in Hartford County, Connecticut (designated as Project No. 2038), which would consist of a hydroelectric power plant with total installed capacity of 42,000 kilowatts in four units and appurtenant facilities to be located at the western end of the navigation dam proposed for construction at Enfield Rapids by the Corps of Engineers, United States Army.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted on or before March 27, 1950, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-1473; Filed, Feb. 21, 1950; 8:45 a. m.]

FEDERAL SECURITY AGENCY

[Federal Security Agency Order 109]

SURPLUS PROPERTY REVIEW BOARD

FUNCTIONS RELATING TO SURPLUS PROPERTY DISPOSAL

1. There is hereby established in the Office of the Federal Security Administrator, a Surplus Property Review Board of the Federal Security Agency (hereinafter referred to as the Board).

2. The Board shall be composed of seven members, three to be appointed by the Federal Security Administrator, two by the Surgeon General and two by the Commissioner of Education. Alternate members will be designated in the same manner. The Administrator shall designate the Chairman of the Board.

3. The Board shall review and make such recommendations as may be appropriate with respect to any action to be taken by the Federal Security Agency pursuant to the authority vested in the Federal Security Administrator by section 203 (k) of the Federal Property and Administrative Services Act of 1949 (Pub. Law 152, 81st Cong.), whenever:

(a) The Commissioner of Education or the Surgeon General of the Public Health Service or the Director, Office of Field Services recommends that proposed action be reviewed by the Board in problem and disputed cases prior to the taking of final action.

4. The Board shall promulgate such regulations and procedures as may be necessary in the performance of its functions.

5. The Director, Office of Field Services, will designate an Executive Secretary to the Board. The Executive Secretary shall be responsible for bringing to the attention of the Board all proposed actions which are subject to the Board's review.

Dated: February 6, 1950.

[SEAL] JOHN L. THURSTON, *Acting Administrator.*

[F. R. Doc. 50-1500; Filed, Feb. 21, 1950; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 30475]

UNAUTHORIZED FREE TRANSPORTATION BY RAILROADS

ORDER INSTITUTING INVESTIGATION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 2d day of February A. D. 1950.

The Commission having under consideration the matter of the enforcement of the provisions of sections 1 (7) and 6 (7) of the Interstate Commerce Act with respect to the free interstate transportation by common carriers by railroad of persons not within the excepted classes designated in sections 1 (7) and 22 of said act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby instituted by the Commission, upon its own motion, into and concerning the practices of Class I carriers by railroad subject to Part I of the Interstate Commerce Act in giving free passenger transportation, for the purpose of determining whether such practices, or any of them, are in violation of any provision of the Interstate Commerce Act, and of making such findings and entering such order or orders, or taking such other action, as the facts may warrant.

It is further ordered, That all Class I railroads be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon the said respondents; and that notice to the public be given by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of Federal Register, Washington, D. C.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission.

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

[F. R. Doc. 50-1490; Filed, Feb. 21, 1950; 8:48 a. m.]

[4th Sec. Application 24875]

CANNED GOODS FROM MONROE, MICH., TO LEEDS, ALA.

APPLICATION FOR RELIEF

FEBRUARY 17, 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: D. Q. Marsh, Agent, for and on behalf of carriers parties to Agent R. G. Raasch's tariff I. C. C. No. 485, pursuant to fourth-section order No. 16101.

Commodities involved: Canned, preserved or prepared foodstuffs or other articles, carloads.

From: Monroe, Mich.

To: Leeds, Ala.

Grounds for relief: Circuitous routes.

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. 50-1491; Filed, Feb. 21, 1950; 8:48 a. m.]

[4th Sec. Application 24876]

SULPHURIC ACID FROM EL DORADO, ARK., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

FEBRUARY 17, 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: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3638.

Commodities involved: Sulphuric acid, tank carloads.

From: El Dorado, Ark.

To: Memphis, Tenn.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3638, Supplement 222.

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. 50-1492; Filed, Feb. 21, 1950; 8:48 a. m.]

[4th Sec. Application 24877]

SIZING FROM KALAMAZOO, MICH., TO THE SOUTH

APPLICATION FOR RELIEF

FEBRUARY 17, 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: B. T. Jones, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 4055, pursuant to fourth-section order No. 9800.

Commodities involved: Sizing, emulsified petroleum, carloads.

From: Kalamazoo, Mich.

To: Points in the South.

Grounds for relief: Circuitous routes.

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. 50-1493; Filed, Feb. 21, 1950; 8:48 a. m.]

[4th Sec. Application 24878]

BEAD WIRE FROM AKRON, OHIO, TO NATCHEZ, MISS.

APPLICATION FOR RELIEF

FEBRUARY 17, 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: B. T. Jones, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3772, pursuant to fourth-section order No. 9800.

Commodities involved: Bead wire, iron or steel, carloads.

From: Akron, Ohio.

To: Natchez, Miss.

Grounds for relief: Circuitous routes.

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. 50-1494; Filed, Feb. 21, 1950; 8:48 a. m.]

NATIONAL LABOR RELATIONS BOARD

DESCRIPTION OF ORGANIZATION

Pursuant to the provisions of section 3 (a) (1) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.), the National Labor Relations Board hereby separately states and currently publishes in the Notices section of the FEDERAL REGISTER the following amendments to its description of organization in the field in respect to the places at which the public may secure information or make submittals or requests.

Dated: Washington, D. C., February 17, 1950.

By direction of the Board.

FRANK M. KLEILER, *Executive Secretary.*

The Thirty-eight Sub-Regional Office with headquarters at Santurce, Puerto Rico, P. O. Box 3656 is hereby designated as the Twenty-fourth Regional Office, effective February 15, 1950.

The Twenty-third Regional Office with headquarters at 341 Federal Building, Honolulu 2, T. H., is hereby designated as the Thirty-seventh Sub-Regional Office under the Twenty-first Regional Office.

The Thirty-first Sub-Regional Office with headquarters at Room 453 Federal Bldg., Milwaukee, Wis., under the Thirteenth Regional Office is hereby discontinued.

The addresses of the Regional and Sub-Regional Offices are corrected as of February 15, 1950, as follows:

First Region—Boston 8, Mass., 24 School Street.

Second Region—New York 16, N. Y., 2 Park Avenue.

Third Region—Buffalo 3, N. Y., 350 Ellicott Square Building, 295 Main Street.

Fourth Region—Philadelphia 7, Pa., 1500 Bankers' Securities Building.
Fifth Region—Baltimore 2, Md., 6th Floor, 37 Commerce Street. Sub-Regional Office—Winston Salem, N. C., Nissen Building.
Sixth Region—Pittsburgh 22, Pa., 2107 Clark Building.
Seventh Region—Detroit 26, Mich., 1740 National Bank Building.
Eighth Region—Cleveland 14, Ohio, Ninth-Chester Building.
Ninth Region—Cincinnati 2, Ohio, Ingalls Building, Fourth and Vine Streets. Sub-Regional Office—Indianapolis 4, Ind., 342 Massachusetts Avenue.
Tenth Region—Atlanta 3, Ga., 50 Whitehall Street.
Thirteenth Region—Chicago 3, Ill., 176 West Adams Street.
Fourteenth Region—St. Louis 1, Mo., International Building.
Fifteenth Region—New Orleans 13, La., 3d Floor, 1539 Jackson Avenue. Sub-Regional Office—Memphis, Tenn., 714 Falls Building, 22 North Front Street.
Sixteenth Region—Fort Worth 2, Tex., 1101 Texas & Pacific Building.
Sub-Regional Office—El Paso, Tex., 504 North Kansas.
Sub-Regional Office—Houston, Tex., 509 Milan Building.
Seventeenth Region—Kansas City 6, Mo., 1411 Fidelity Building, 911 Walnut Street.
Sub-Regional Office—Denver 2, Colo., 434 Commonwealth Building.
Eighteenth Region—Minneapolis 1, Minn., 601 Metropolitan Building, Second Avenue, South and Third Street.
Nineteenth Region—Seattle 4, Wash., 515 Smith Tower Building.
Sub-Regional Office—Portland 4, Oreg., 715 Mead Building.
Twentieth Region—San Francisco 3, Calif., 664 Pacific Building, 821 Market Street.
Twenty-first Region—Los Angeles 14, Calif., 111 West Seventh Street.
Sub-Regional Office—Honolulu 2, T. H., 341 Federal Building.
Twenty-fourth Region—Santurce, P. R., P. O. Box 3656.

[F. R. Doc. 50-1495; Filed, Feb. 21, 1950; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1770]

APPALACHIAN ELECTRIC POWER CO. AND OHIO POWER CO.

ORDER EXTENDING TIME

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of February A. D. 1950.

Appalachian Electric Power Company ("Appalachian") and The Ohio Power Company ("Ohio"), both electric utility subsidiaries of American Gas & Electric Company, a registered holding company, having heretofore filed a joint application with this Commission with respect to the purchase by Appalachian and Ohio of not to exceed 30,000 shares each of the $100 par value capital stock of Central Coal Company ("Central"), a new company organized for the purpose of mining coal and selling the output to Appalachian and Ohio, such stock to be purchased by Appalachian and Ohio from time to time prior to March 1, 1950; and

The Commission, by order dated April 30, 1948, having granted said application; and

Appalachian and Ohio having each acquired 18,600 shares of the capital stock of Central Coal Company as of February 1, 1950; and

An amendment to said application having been filed on February 13, 1950, requesting that the time within which Appalachian and Ohio may comply with the order of April 30, 1948, with respect to the unsubscribed for 22,800 shares of capital stock of Central Coal Company be extended to December 31, 1950; and

The Commission having considered such request and deeming it appropriate that it be granted:

It is ordered, That the time within which Appalachian and Ohio may each purchase the remaining 11,400 shares of the capital stock of Central Coal Company, in accordance with the terms stated in the application, as filed, be, and the same hereby is, extended to and including December 31, 1950.

By the Commission.

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

[F. R. Doc. 50-1481; Filed, Feb. 21, 1950; 8:47 a. m.]

[File No. 70-1841]

APPALACHIAN ELECTRIC POWER CO.

ORDER EXTENDING TIME

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of February A. D. 1950.

Appalachian Electric Power Company ("Appalachian"), an electric utility subsidiary of American Gas & Electric Company, a registered holding company, having heretofore filed an application with this Commission with respect to the purchase by Appalachian for a cash consideration of $4,000,000 of not to exceed 40,000 shares of the capital stock of Central Appalachian Coal Company ("Coal Company"), a new corporation organized for the purpose of developing and operating coal mines and for transporting, buying and selling coal in the interest of Appalachian and other power companies of the American Gas & Electric Company system, such shares to be acquired from time to time prior to March 1, 1950; and

The Commission having by order dated June 18, 1948 granted such application; and

Appalachian having acquired 30,000 shares of the capital stock of Coal Company as of January 31, 1950; and

An amendment to said application having been filed on February 13, 1950 requesting that the time within which Appalachian may comply with the order of June 18, 1948, with respect to the unsubscribed for 10,000 shares of the capital stock of Coal Company be extended to December 31, 1950; and

The Commission having considered such request and deeming it appropriate that it be granted:

It is ordered, That the time within which Appalachian may purchase the remaining 10,000 shares of the capital stock of Coal Company, in accordance with the terms stated in the application as filed, be, and the same hereby is, extended to and including December 31, 1950.

By the Commission.

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

[F. R. Doc. 50-1486; Filed, Feb. 21, 1950; 8:47 a. m.]

[File No. 70-2057]

UTAH POWER & LIGHT CO. AND WESTERN COLORADO 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 16th day of February A. D. 1950.

Notice is hereby given that Utah Power & Light Company ("Utah"), a registered holding company and its wholly owned electric utility subsidiary, The Western Colorado Power Company ("Colorado"), have filed an application-declaration, described as amendment No. 3 herein, pursuant to the Public Utility Holding Company Act of 1935, and have designated sections 6 (b), 9 (a), 10 and 12 (f) of the act and Rule U-45 of the rules and regulations promulgated thereunder, as applicable to the proposed transactions which are summarized as follows:

Utah now owns all of the outstanding securities of Colorado consisting of 110,000 shares of $20 par value common stock, a 15-year 4% Note in the principal amount of $2,300,000, and notes maturing in 1950 in the aggregate principal amount of $1,000,000.

By orders dated March 17, 1949, and December 8, 1949, the Commission authorized the borrowings of $1,000,000 by Colorado from Utah to finance the former company's construction program during the year 1949. (Holding Company Act Release Nos. 8937 and 9547). Pursuant to such authorization, loans were made in the aggregate principal amount of $1,000,000 evidenced by notes bearing 3½% interest per annum and maturing at various dates in 1950.

Colorado now proposes to refinance the $1,000,000 principal amount of said notes by issuing and delivering to Utah its 4% Note in the principal amount of $1,000,000 due July 1, 1963.

The application-declaration, as amended, requests that the Commission's order herein issue as promptly as may be practicable and that it become effective forthwith upon its issuance:

Notice is further given that any interested person may, not later than February 28, 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-declaration, as amended, 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 28, 1950 at 5:30 p. m., e. s. t., said application-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 application-declaration, as amended, 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. 50-1483; Filed, Feb. 21, 1950; 8:47 a. m.]

[File No. 70-2293]

WEST PENN RAILWAYS CO. AND WEST PENN BUS LINES

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 16th day of February A. D. 1950.

Notice is hereby given that a joint filing has been made with this Commission, pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder, by West Penn Railways Company ("Railways"), a subsidiary of The West Penn Electric Company ("West Penn Electric"), a registered holding company, and by West Penn Bus Lines ("Bus Lines"), a wholly owned subsidiary of Railways.

Notice is further given that any person may, not later than February 24, 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 reason for such request and the issues, if any, of law or fact proposed to be controverted; or he may request that he be notified if the Commission should order a hearing hereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 1, 1950, said application-declaration, as filed or as amended, may be granted and permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

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

The filing represents that Bus Lines was organized in the interests of Railways for the purpose of obtaining for Railways certain charter rights to operate motor vehicles and to permit Railways to abandon the operation of railway routes and substitute bus service therefor; it being further represented in the filing that Bus Lines has obtained certain Certificates of Public Convenience from the Pennsylvania Public Utility Commission and that Bus Lines has no assets other than certain cash and organization expenses and no liabilities other than capital stock liabilities; by the terms of the filing, Railways is proposing to acquire all of the corporate powers, franchises, property, rights, and credits of Bus Lines upon the surrender to Bus Lines for cancellation of five shares of capital stock (the entire outstanding issue), whereupon it is stated Bus Lines will cease to exist as a separate corporation.

This filing has designated sections 9, 10, and 12 of the act as being applicable to the proposed transactions and requests that the order to issue granting the application and permitting effectiveness to the declaration become effective upon the date of issuance.

By the Commission.

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

[F. R. Doc. 50-1479; Filed, Feb. 21, 1950; 8:46 a. m.]

[File No. 70-2295]

GENERAL PUBLIC UTILITIES CORP. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of February 1950.

In the matter of General Public Utilities Corporation, Metropolitan Edison Company, New Jersey Power & Light Company; File No. 70-2295.

New Jersey Power & Light Company ("New Jersey"), a subsidiary of General Public Utilities Corporation, a registered holding company, having filed an application, and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, regarding the issue and sale pursuant to the competitive bidding requirements of Rule U-50 of 20,000 shares of Cumulative Preferred Stock; and

The Commission having, by order dated February 8, 1950, among other things, granted said application, subject to the condition that the proposed sale of preferred stock shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding, and a further order shall have been entered in the light of the record so completed, and jurisdiction having been reserved over the payment of all legal fees and expenses in connection with the proposed sale of preferred stock; and

New Jersey having, on February 16, 1950, filed a further amendment to said application in which it is stated that it has offered the preferred stock for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidder	Dividend rate	Price to New Jersey [1]	Annual cost to New Jersey
Smith, Barney & Co. and Union Securities Corp.	4.05	100.82	4.017060
Drexel & Co.	4.05	100.554	4.027687
W. C. Langley & Co.	4.10	101.40	4.043393
Kuhn, Loeb & Co.	4.05	100.03	4.048785
Salomon Bros. & Hutzler.	4.10	101.0379	4.057883
Kidder, Peabody & Co. and White, Weld & Co.	4.10	100.19	4.092225

[1] Plus accrued dividends from Jan. 1, 1950.

Said amendment having further stated that New Jersey has accepted the bid of Smith, Barney & Co. and Union Securities Corporation for the preferred stock as set forth above and that the preferred stock will be offered for sale to the public at a price of $101.25 per share, plus accrued dividends from January 1, 1950, resulting in an underwriters' spread of $0.43 per share; and

The legal fees and expenses proposed to be incurred in connection with the sale of the preferred stock having been stated to be as follows:

	Fees	Estimated Expenses
Harold J. Ryan, counsel for New Jersey	$1,750	$150
Autenrieth & Rochester, counsel for New Jersey	1,750	100
Cahill, Gordon, Zachry & Reindel, counsel for bidders	2,500	100
Total	6,000	350

The Commission having examined said amendment and having considered the record herein and observing no basis for imposing terms and conditions with respect to the price to be received by New Jersey for the preferred stock, the dividend rate, and the underwriters' spread, and it appearing to the Commission that the proposed legal fees and estimated expenses are not unreasonable and that jurisdiction should be released over all of the foregoing:

It is hereby ordered, That jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding under Rule U-50 for said preferred stock be, and the same hereby is, released, and the application, as further amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations promulgated under the act.

It is further ordered, That jurisdiction heretofore reserved over the legal fees and expenses in connection with the sale of the said preferred stock by New Jersey be, and the same hereby is, released.

By the Commission.

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

[F. R. Doc. 50-1480; Filed, Feb. 21, 1950; 8:46 a. m.]

[File No. 70-2313]

NORTHERN BERKSHIRE GAS CO. AND NEW ENGLAND ELECTRIC SYSTEM

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of February A. D. 1950.

New England Electric System ("NEES"), a registered holding company, and its public utility subsidiary, Northern Berkshire Gas Company ("Northern Berkshire"), having filed a joint application pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) and 10 thereof and Rule U-42 (b) (2) of the rules and regulations promulgated thereunder, with respect to the following proposed transactions:

Northern Berkshire proposes to issue and sell for cash to NEES 6,400 shares of additional common stock (par value $100 per share) of the aggregate par value of $640,000. Such additional shares are to be offered to NEES, the sole stockholder of Northern Berkshire, at the price of $125 a share, an aggregate of $800,000. NEES proposes to acquire such shares and will use available cash for such purpose.

Northern Berkshire is indebted to NEES in the amount of $175,000. Such indebtedness consists of advances, $125,000 of which bears interest at the rate of 3% per annum and the remainder, $50,000, is non-interest bearing. Northern Berkshire also has outstanding $620,000 of short-term promissory 2¼% notes, due May 31, 1951. The proceeds from the sale of additional shares of common stock will be used to retire such indebtedness and to pay the expenses for services rendered in connection with the proposed issuance and sale of the common stock; the balance of the proceeds will be applied to the extent available toward the payment of the cost of extensions, enlargements, and additions to plant and property subsequent to October 31, 1949.

The application states that the Massachusetts Department of Public Utilities has approved the proposed issuance and sale of common stock by Northern Berkshire at the price of $125 per share.

Incidental services in connection with the proposed transactions by Northern Berkshire and NEES will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof. The cost to Northern Berkshire and NEES of such services is estimated not to exceed $1,000 and $200, respectively. Total expenses to be borne by Northern Berkshire are estimated at $2,024.

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

Said application having been filed on January 25, 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 within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in compliance with the applicable standards of the act, that no adverse findings are necessary in connection therewith and the Commission deeming it appropriate that said application be granted without the imposition of any terms and conditions other than those contained in Rule U-24 and the Commission also deeming it appropriate to grant applicants' request that the order herein become effective forthwith upon its issuance:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that said application, be, and the same hereby is, granted forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

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

[F. R. Doc. 50-1485; Filed, Feb. 21, 1950; 8:47 a. m.]

[File No. 70-2316]

UTAH POWER & LIGHT CO. AND WESTERN COLORADO 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 16th day of February A. D. 1950.

Notice is hereby given that Utah Power & Light Company ("Utah"), a registered holding company and its wholly owned electric utility subsidiary, The Western Colorado Power Company ("Colorado"), have filed a joint application-declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935 and have designated sections 6 (b), 9 (a), 10 and 12 (f) thereof, and Rule U-45 of the rules and regulations promulgated thereunder, as applicable to the proposed transactions which are summarized as follows:

Colorado proposes to issue and sell to Utah 15,000 shares of its $20 par value common stock for a cash consideration of $300,000. Colorado further proposes during the year 1950 to borrow from Utah amounts not to exceed in the aggregate $1,000,000, such borrowings to be evidenced by Colorado's promissory notes bearing interest at the rate of 3½% per annum and maturing not more than eleven months from the date of such borrowings.

The application-declaration, as amended, states that the proceeds from the proposed borrowings are to be used to finance Colorado's construction program during the year 1950.

The application-declaration, as amended, further states that it is the intention of the companies to seek authorization shortly after January 1, 1951, to convert the $1,000,000 of notes proposed to be issued hereunder into financing of a permanent nature.

Notice is further given that any interested person may, not later than February 28, 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-declaration, as amended, 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 28, 1950, at 5:30 p. m., e. s. t., said application-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 application-declaration, as amended, 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. 50-1484; Filed, Feb. 21, 1950; 8:47 a. m.]

[File No. 70-2323]

COLUMBIA GAS SYSTEM, INC., AND BINGHAMTON GAS WORKS

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of February 1950.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, Binghamton Gas Works. Applicants-declarants have designated sections 6 (b), 9, 10 and 12 (b) of the act and Rule U-45 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 1, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-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 March 1, 1950, said joint application-declaration may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commis-

sion for a statement of the transactions therein proposed, which are summarized as follows:

Binghamton proposes to issue and sell to Columbia $1,000,000 principal amount of 3¼% installment promissory notes. Such notes are to be paid in equal annual installments on February 15th of each of the years 1952 to 1976, inclusive. The proceeds from the 3¼% notes will be used for the purpose of repaying non-interest bearing advances owing to Columbia, the proceeds from such advances having been used by Binghamton for construction purposes.

The Public Service Commission of the State of New York, by orders dated December 13, 1949, and January 10, 1950, approved the issue and sale by Binghamton of its 3¼% notes to Columbia.

It is further proposed that Columbia and Binghamton will enter into a supplemental interest agreement whereby Columbia will agree to accept an amount as the interest on the 3¼% notes of Binghamton which it presently holds or may hereafter hold so that the average interest paid by Binghamton on all its debt obligations held by Columbia will not exceed 3¼%.

By the Commission.

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

[F. R. Doc. 50-1477; Filed, Feb. 21, 1950; 8:46 a. m.]

[File No. 70-2324]

SOUTH JERSEY GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of February 1950.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by South Jersey Gas Company ("South Jersey"), a subsidiary of The United Corporation, a registered holding company. Applicant has designated section 6 (b) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than March 6, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application 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 March 6, 1950, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction 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 offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

South Jersey proposes to issue and sell, from time to time prior to November 30, 1950, an aggregate of $3,300,000 of its promissory notes. Said notes will be issued and sold pursuant to a loan agreement between South Jersey and four commercial banks which provides, inter alia, that $2,550,000 of said notes are to bear interest at the rate of 2¼% per annum and mature June 30, 1951, and $750,000 of said notes are to bear interest at the rate of 2¾% per annum and to mature serially in principal amounts of $75,000 commencing June 30, 1951, and at successive six months intervals thereafter. It is also provided that South Jersey will pay a commitment fee of ½ of 1% on the daily unused balance of notes computed from the date South Jersey shall have obtained appropriate authorizations from this Commission and the several regulatory commissions hereinafter set forth.

Of the proceeds of the sale of said notes $2,225,000 is to be utilized to construct approximately 77 miles of pipeline and related facilities for the transportation and distribution of straight natural gas; $325,000 is to be utilized to refund an existing like amount of bank loans, and $750,000 is to be utilized to convert customers gas appliances for the use of natural gas.

South Jersey has applied to the Federal Power Commission for the issuance of a certificate of public convenience and necessity in respect of the construction of the proposed pipeline and related facilities. South Jersey has also applied to the Board of Public Utility Commissioners of the State of New Jersey for approval of the proposed issuance and sale of promissory notes.

Applicant has requested that the Commission's order granting the application be issued as soon as possible and that it become effective forthwith.

By the Commission.

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

[F. R. Doc. 50-1476; Filed, Feb. 21, 1950; 8:46 a. m.]

[File No. 70-2327]

UTAH POWER & LIGHT 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 16th day of February A. D. 1950.

Notice is hereby given that Utah Power & Light Company ("Utah"), 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:

Utah proposes, during the year 1950, to borrow from certain banks amounts not to exceed in the aggregate $10,000,000. Such loans will be evidenced by promissory notes payable December 22, 1950, and bearing interest at the greater of (a) 2% per annum, or (b) the interest rate prevailing on loans by the Federal Reserve Bank of New York under section 10 (b) of the Federal Reserve Act, but in no event at a rate higher than 2¼% per annum. The initial loan is proposed to be made prior to April 5, 1950 and will bear interest at the rate of 2% per annum. The declaration states that at least 10 days prior to each proposed borrowing subsequent to April 5, 1950, Utah will file an amendment herein setting forth the amount of such proposed borrowing and the interest rate thereon, such amendment to become effective 10 days after the filing thereof providing no action is taken with respect thereto within such 10 days period by the Commission.

The declaration states that the proceeds from the proposed borrowings are to be used in connection with Utah's construction program. It is further stated that during the year 1950 Utah proposes to issue and sell common stock on the minimum basis of one share of additional stock for each eight shares of its common stock now outstanding and to issue and sell first mortgage bonds in an amount presently estimated at not to exceed $10,000,000. Proceeds from such later financing will be used to repay the loans herein proposed and to provide additional funds for Utah's construction program, which, it is estimated will entail the expenditure of approximately $40,000,000 in the years 1950–1952, inclusive.

Declarant requests that the Commission issue its order herein as promptly as may be practicable, and that such order become effective forthwith upon the issuance thereof.

Notice is further given that any interested person may, not later than March 6, 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 March 6, 1950, at 5:30 p. m., e. s. t., said declaration as filed, or as amended, may be 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. 50-1482; Filed, Feb. 21, 1950; 8:47 a. m.]

[File No. 70-2328]

COLUMBIA GAS SYSTEM, INC.

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 16th day of February 1950.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Columbia Gas System, Inc. ("Columbia"), a registered holding company. Declarant has designated sections 6, 7, and 12 (e) of the act and Rule U-62 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than February 28, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues 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 28, 1950, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Columbia's presently authorized capital consists of 30,000,000 shares of common stock without nominal par value, of which 14,798,174 shares are presently outstanding. Columbia proposes to amend its Certificate of Incorporation so as to reclassify and change 1,000,000 shares of unissued common stock without par value into 1,000,000 shares of unissued preferred stock, $50 par value.

Columbia also proposes to limit the present preemptive rights of its common-stock holders by amending its Certificate of Incorporation so as to permit the sale for cash of shares of common stock by a public offering or an offering of such shares to or through underwriters or investment bankers who shall have agreed to make a public offering of such shares without being required to first offer such shares to its own common-stock holders.

The proposed amendments to the Certificate of Incorporation will require the approval of a majority of the common-stock holders of Columbia and will be voted on by such stockholders at the annual meeting to be held on April 27, 1950. In connection therewith Columbia proposes to solicit proxies from its common-stock holders and will file with the Commission by amendment to the instant declaration a copy of the proxy and proxy statement which it proposes to send to its stockholders.

By the Commission.

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

[F. R. Doc. 50-1478; Filed, Feb. 21, 1950; 8:46 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.

PAULINE HANS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Pauline Hans, Washington, D. C.; Claim No. 15044; all interests and rights created in Richard Hans by virtue of an agreement dated August 6, 1938, by and between Hugo Heiermann as party of the first part and Ludwig Bluth and Richard Hans as parties of the second part involving rights in and under United States Letters Patent No. 1,758,515 (now Reissue No. 18,144), to the extent owned by Richard Hans immediately prior to the vesting thereof by Vesting Order No. 601 dated January 6, 1943 (8 F. R. 1295, Jan. 29, 1943), including royalties in the amount of $27,123.16.

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

For the Attorney General.

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

[F. R. Doc. 50-1516; Filed, Feb. 21, 1950; 8:54 a. m.]

[Vesting Order 14347]

ERNST UPMANN

In re: Bonds and bank account owned by Ernest Upmann. F-28-4561-A-1, E-1.

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 Ernst Upmann, whose last known address is 52 Grosse Ulrichstrasse, Halle/Saale, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) United States of America 2¾% Treasury Bond of $1,000.00 face value, in bearer coupon form, bearing the number 34612, due 9/15/1959/56, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, and any and all rights thereunder and thereto,

b. Three (3) United States of America 2¾% Treasury Bonds, each of $100.00 face value, in bearer coupon form, bearing the numbers 126, 22154 and 22155, due 9/15/1959/56, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, and any and all rights thereunder and thereto,

c. One (1) United States of America 2¾% Treasury Bond of $50.00 face value in bearer coupon form, bearing the number 3191, due 9/15/1959/56, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, and any and all rights thereunder and thereto, and

d. That certain debt or other obligation owing to Ernst Upmann, by The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a checking account, entitled Ernst Upmann, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Ernst Upmann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. 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 February 8, 1950.

For the Attorney General.

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

[F. R. Doc. 50-1514; Filed, Feb. 21, 1950; 8:54 a. m.]

[Vesting Order 14348]

JOSEPH AND JULIA WERNER

In re: Debts owing to Joseph Werner and Julia Werner, also known as Julia B. Werner. F-28-30622-E-1.

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 Joseph Werner and Julia Werner, also known as Julia B. Werner, each of whose last known address is Wurttenberg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations evidenced by two (2) checks drawn by the Comptroller of the Currency on the National Bank of Detroit, Detroit, Michigan, each dated December 7, 1942, numbered, in the amounts, and payable to the persons as set forth below:

Number	Amount	Payees
R 73745	$17.71	Joseph Werner or Julia Werner.
R 95750	249.93	Joseph Werner or Julia B. Werner.

said checks representing the sixth (final) interest dividends on claims numbered respectively 16-13450 and 23-11321 against the First National Bank in Detroit, Detroit, Michigan, presently in the custody of the Division of Insolvent National Banks, Office of the Comptroller of the Currency, Treasury Department, Washington, D. C., together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid checks, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Joseph Werner and Julia Werner, also known as Julia B. Werner, the aforesaid nationals of a designated enemy country (Germany); and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof 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 February 8, 1950.

For the Attorney General.

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

[F. R. Doc. 50-1515; Filed, Feb. 21, 1950; 8:54 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. D-9 (E)]

AMERICAN RATTAN AND REED MANUFACTURING CO.

NOTICE DENYING AND DISMISSING APPLICATION

FEBRUARY 17, 1950.

The Tariff Commission has denied and dismissed the application heretofore filed with it for an 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.

Name of article	Purpose of request	Name and address of applicant
Reeds wrought or manufactured from rattan or reeds, whether round, flat, split, oval, or in whatever form, cane wrought or manufactured from rattan, cane webbing, and split or partially manufactured rattan, not specially provided for (item 409, Schedule XX, General Agreement on Tariffs and Trade).	Increase in duty	American Rattan & Reed Manufacturing Co., Brooklyn 22, N. Y.

By direction of the Commission.

[SEAL] SIDNEY MORGAN,
Secretary.

[F. R. Doc. 50-1502; Filed, Feb. 21, 1950; 8:52 a. m.]