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Washington, Friday, June 23, 1950

TITLE 3—THE PRESIDENT

PROCLAMATION 2895

TERMINATING CERTAIN TRADE AGREEMENT PROCLAMATIONS AND SUPPLEMENTING PROCLAMATION NO. 2888[1] OF MAY 13, 1950

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, under the authority vested in him by section 350 (a) of the Tariff Act of 1930, as amended by the act of June 12, 1934, entitled "An Act to amend the Tariff Act of 1930" (48 Stat. 943), the President of the United States of America entered into the following-described trade agreements:

(a) Agreement with the President of the Republic of Finland entered into on May 18, 1936 (50 Stat. (pt. 2) 1436), proclaimed by the President on October 3, 1936 (50 Stat. (pt. 2) 1437);

(b) Agreement with the President of the Republic of Nicaragua entered into on March 11, 1936 (50 Stat. (pt. 2) 1414), proclaimed by the President on September 1, 1936 (50 Stat. (pt. 2) 1413), which proclamation was terminated in part by a proclamation by the President of February 8, 1938 (52 Stat. 1486); and

(c) Agreement with His Majesty the King of Sweden entered into on May 25, 1935 (49 Stat. (pt. 2) 3756), proclaimed by the President on July 8, 1935 (49 Stat. (pt. 2) 3755);

2. WHEREAS the Government of the United States has agreed with the Governments of the Republic of Finland and the Republic of Nicaragua that the said trade agreements with the Republic of Finland and the Republic of Nicaragua specified in paragraphs (a) and (b) of the first recital of this proclamation shall terminate (1) when each country becomes a contracting party to the General Agreement on Tariffs and Trade as defined in Article XXXII thereof and (2) in the case of the Republic of Finland, when all the concessions which were initially negotiated with Finland contained in Schedule XX of Annex A to the Annecy Protocol of Terms of Accession to the General Agreement on Tariffs and Trade enter into force;

3. WHEREAS, the Government of the United States has agreed with the Government of the Kingdom of Sweden that the said trade agreement proclaimed by the President on July 8, 1935, specified in paragraph (c) of the first recital of this proclamation, shall be terminated after June 30, 1950;

4. WHEREAS, as indicated in the seventh recital of Proclamation No. 2888 (15 F. R. 3043) of May 13, 1950, the Republic of Finland and the Republic of Nicaragua became contracting parties to the General Agreement on Tariffs and Trade on May 25, 1950, and May 28, 1950, respectively;

5. WHEREAS all the tariff concessions initially negotiated with the Republic of Finland contained in Schedule XX of Annex A to the Annecy Protocol of Terms of Accession entered into force on May 25, 1950;

6. WHEREAS the said section 350 (a) of the Tariff Act of 1930, as amended, authorizes the President to terminate any proclamation carrying out a trade agreement entered into under such section;

7. WHEREAS, pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended by section 1 of the act of June 12, 1934, by the joint resolution approved June 7, 1943, by sections 2 and 3 of the act of July 5, 1945 (ch. 474, 48 Stat. 943, ch. 118, 57 Stat. 125, ch. 269, 59 Stat. 410 and 411), and by sections 4 and 6 of the Trade Agreements Extension Act of 1949 (Public Law 307, 81st Congress), the period for the exercise of the said authority having been extended by section 3 of the Trade Agreements Extension Act of 1949 until the expiration of three years from June 12, 1948, on October 10, 1949, I entered into a trade agreement providing for the accession to the General Agreement on Tariffs and Trade (Treaties and Other International Acts Series 1700) of the Governments of the Kingdom of Denmark, the Dominican Republic, the Republic of Finland, the Kingdom of Greece, the Republic of Haiti, the Republic of Italy, the Republic of Liberia,

(Continued on next page)

[1] 15 F. R. 3043.

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

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

the Republic of Nicaragua, the Kingdom of Sweden, and the Oriental Republic of Uruguay, which trade agreement for accession consists of the Annecy Protocol of Terms of Accession to the General Agreement on Tariffs and Trade, dated October 10, 1949, including the annexes thereto (Dept. of State Pub. 3664);

8. WHEREAS, by Proclamation No. 2867 of December 22, 1949 (14 F. R. 7723), I proclaimed such modifications of existing duties and the other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out the said trade agreement for accession on and after January 1, 1950, which proclamation has been supplemented by Proclamation No. 2874 of March 1, 1950 (15 F. R. 1217), Proclamation No. 2884 of April 27, 1950 (15 F. R. 2479), and by the said proclamation of May 13, 1950;

9. WHEREAS the said proclamation of May 13, 1950, made effective, on and after May 28, 1950, the rate of duty of 7 cents per pound specified in item 709 in Part I of Schedule XX in Annex A of the trade agreement for accession, spe-

cified in the seventh recital of this proclamation, with respect to not more than 5,000,000 pounds of butter, entered, or withdrawn from warehouse, for consumption during the period from April 1 to July 15, inclusive, in any year;

10. WHEREAS the said tariff quota specified in the ninth recital of this proclamation became effective in the second month of the period from April 1, 1950, to July 15, 1950, inclusive, and I determine that it would be appropriate in order to carry out the trade agreement specified in the seventh recital of this proclamation to limit the quantity of butter dutiable at the rate of 7 cents per pound which may be entered, or withdrawn from warehouse, for consumption during the remainder of the said quota period from April 1, 1950, to July 15, 1950, inclusive, to a quantity of not more than 3,571,429 pounds;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States, under and by virtue of the authority vested in me by the said section 350 (a) of the Tariff Act of 1930, as amended, do proclaim as follows:

PART I

(a) The said proclamation, of October 3, 1936, which proclaimed the trade agreement with the Republic of Finland, is hereby terminated as of the close of May 24, 195C.

(b) The said proclamation, of September 1, 1936, which proclaimed the trade agreement with the Republic of Nicaragua, and which was terminated in part by the said proclamation of February 8, 1938, is hereby terminated in full as of the close of May 27, 1950.

(c) The said proclamation of July 8, 1935, which proclaimed the trade agreement with the Kingdom of Sweden is hereby terminated as of the close of June 30, 1950.

PART II

To the end that the said trade agreement specified in the seventh recital of this proclamation may be carried out, that not more than 3,571,429 pounds of butter entered, or withdrawn from warehouse, for consumption during the period from April 1, 1950, to July 15, 1950, inclusive, shall be dutiable at 7 cents per pound, as specified in the tenth recital of this proclamation.

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 seventeenth day of June 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. 50-5459; Filed, June 21, 1950; 2:57 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 3—ACQUISITION OF A COMPETITIVE STATUS

SUBPART B—REGULATIONS UNDER EXECUTIVE ORDER 10080

CONTINUOUS SERVICE

Subparagraph (4) of § 3.203 (a) is amended as set out below. Cases which the Commission has disapproved and which agencies believe may be covered by this amendment may be resubmitted to the Commission's Service Record Division for further consideration prior to September 30, 1950. As amended, § 3.203 reads as follows:

§ 3.203 *Continuous service.* (a) The continuous service required for conversion under Executive Order 10080 may include any of the following:

(1) Intervening military service; periods not exceeding 60 days following a separation prior to entering military service and not exceeding 60 days following the expiration of the 90-day period for filing application with his agency for restoration to duty; periods exceeding 60 days following the expiration of the 90-day period for filing application with his agency for restoration to duty when such restoration was delayed by the agency.

(2) Periods of absence on annual or sick leave and authorized furlough or leave without pay.

(3) Periods during which the employee's name was carried on the compensation rolls of the Bureau of Employees' Compensation, Federal Security Agency.

(4) One or more breaks in service which total 60 calendar days or less (in addition to those due to reduction in force); one or more breaks in service which total more than 60 calendar days (in addition to those due to reduction in force) in cases in which the person involved was ill during the period or periods in excess of the 60 calendar days: *Provided*, That a physician's statement is submitted certifying that the person was under his care and physically unable to work during the entire period under consideration.

(5) Periods of separation or furlough due to reasons set forth in § 3.202 (a) (6).

(6) Periods of absence due to assignment to the Foreign Service as Foreign Service Reserve Officers or Foreign Service Staff Officers (Executive Order 9932).

(7) Periods of service in public international organizations in which the United States Government participates or with the American Mission for Aid to Greece or the American Mission for Aid to Turkey after transfers under Executive Order 9721 (amended by Executive Order 10103) or 9862.

(b) One or more separations because of reduction in force, each not exceeding one year, between the date of appointment and September 30, 1949, will not prevent the acquisition of a competitive status provided the person was in an active-duty status on September 30, 1949, as defined in § 3.202. This includes employees who resigned during a reduction in force or when a reduction in force was imminent, for reasons acceptable to the agency. Employees who returned to the same agency for a short period of employment during the year following separation due to reduction in force will be regarded as again separated due to reduction in force when such employment was terminated. Temporary emergency and indefinite appointments under various authorities during the defense period and early months of the war (prior to December 31, 1942) were of such a nature that an involuntary separation (not for cause) due to fluctuation in the work program will, for the purpose of Executive Order 10080, be regarded as reduction in force.

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

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

[F. R. Doc. 50-5415; Filed, June 22, 1950; 8:51 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL TRADE COMMISSION AND FEDERAL POWER COMMISSION

Under authority of § 6.1 (a) and (d) of Executive Order 9830, and at the request of the agencies concerned, the Commission has approved the amendments to Part 6 as set out below. These amendments shall be effective upon publication in the FEDERAL REGISTER.

1. Section 6.130 is revised and amended to read as follows:

§ 6.130 *Federal Trade Commission.*
(a) General Counsel.
(b) Director, Bureau of Economics.
(c) Director, Bureau of Antimonopoly.
(d) Director, Bureau of Antideceptive Practices.
(e) Director, Bureau of Industry Cooperation.

2. Paragraph (d) of § 6.210 is amended to read as follows:

§ 6.210 *Federal Power Commission.*
* * *

(d) One chief of each of the following seven divisions: Accounts, Electric Resources and Requirements, Finance and

Statistics, Gas Certificates, Licensed Projects, Rates, and River Basins.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

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

[F. R. Doc. 50-5400; Filed, June 22, 1950; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS IN MONTANA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth. The average value and the investment limit heretofore established for said county, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average value and the investment limit set forth below for said county.

MONTANA

County	Average value	Investment limit
Mineral	$12,000	$12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 19th day of June 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-5411; Filed, June 22, 1950; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 5]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.374 *Plum Order 5*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 23, 1950. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 17, 1950; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 17, 1950. After consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 23, 1950; and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 23, 1950, and ending at 12:01 a. m., P. s. t., October 1, 1950, no shipper shall ship from any shipping point during any day any package or container of Tragedy plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 6 standard pack in a standard basket. The aforesaid 5 x 6 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 6 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{7}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{5}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{3}{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 20th day of June 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-5434; Filed, June 21, 1950; 4:30 p. m.]

PART 962—FRESH PEACHES GROWN IN GEORGIA

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1950-51 FISCAL PERIOD

Notice was published in the June 1, 1950, daily issue of FEDERAL REGISTER (15 F. R. 3424) that consideration was being given to proposals regarding the budget of expenses and the fixing of the rate of assessment for the 1950-51 fiscal period

under the marketing agreement and Order No. 62 (7 CFR Part 962) regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Industry Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 962.204 *Budget of expenses and rate of assessment for the 1950–51 fiscal period*—(a) *Budget of expenses.* The expenses necessary to be incurred by the Industry Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning March 1, 1950, will amount to $9,940.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at two cents ($0.02) per bushel basket of peaches (net weight 50 pounds), or its equivalent of peaches in other containers or in bulk.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipments of peaches from Georgia are now being made and the mandatory maturity regulation and inspection requirement contained in the aforesaid marketing agreement and order are in effect; (2) the rate of assessment is applicable to all fresh peaches shipped during the 1950–51 fiscal period; (3) a large volume of the Georgia peach crop is handled by itinerant truckers and cash buyers who operate in the area only part of the season; and (4) in order for the regulatory assessment to be collected, especially from those handlers who do not have definite or established places of business in the production area, it is essential that the specification of the assessment rate be issued immediately so as to enable the said Industry Committee to perform its duties and functions under said marketing agreement and order.

As used in this section, the terms "handler," "handles," "shipped," "peaches," "production area," and "fiscal period" shall have the same meaning as is given to each such term in the said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 20th day of June 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-5433; Filed, June 22, 1950; 8:52 a. m.]

TITLE 26—INTERNAL REVENUE

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

Subchapter C—Miscellaneous Excise Taxes

[Regulations 13]

PART 175—TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS

Preamble. 1. These regulations "Regulations 13, Traffic in Containers of Distilled Spirits" (26 CFR Part 175), are a republication of Regulations 13, 1940 edition (26 CFR Part 175, 5 F. R. 1245) and all amendments and modifications thereof through March 31, 1950.

2. These regulations consist only of previously approved material except § 175.87 which is hereby amended. The text has been rearranged and renumbered to conform to the Federal Register Regulations (13 F. R. 5929).

3. These regulations shall, on and after April 1, 1950, supersede Regulations 13 (26 CFR Part 175, 5 F. R. 1245); Treasury Decision 4970 (5 F. R. 1729); Treasury Decision 5063 (6 F. R. 3693); and Treasury Decision 5292 (8 F. R. 12082).

4. These regulations shall not affect or limit any act done or any liability incurred under any regulations superseded hereby, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the effective date of these regulations, nor shall these regulations release, acquit, affect, or limit any offense committed in violation of previously existing regulations, or any penalty, liability or forfeiture incurred prior to such date.

5. It is found that compliance with the notice and public rule-making procedure and effective date limitations of the Administrative Procedure Act (5 U. S. C. 1001, et seq.) is unnecessary in connection with the issuance of the regulations in this part for the reason that the changes made are of a technical and clarifying nature and do not adversely affect the legitimate industry.

STATUTES GOVERNING THE TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS

SUBPART A—SCOPE OF REGULATIONS

SUBPART B—DEFINITIONS

SUBPART C—MANUFACTURE AND SALE OF BOTTLES FOR PACKAGING DISTILLED SPIRITS

SUBPART D—LABELS

SUBPART E—USE OF BOTTLES FOR PACKAGING DISTILLED SPIRITS

SUBPART F—REPORTS AND INVENTORIES

SHIPMENT OF LIQUOR BOTTLES

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SUBPART G—IMPORTS AND EXPORTS

IMPORTATION

INDICIA FOR IMPORTED, FILLED CONTAINERS

EXPORTATION OF LIQUOR BOTTLES

SUBPART H—PERMITS, REVOCATION PROCEEDINGS

AUTHORITY: §§ 175.1 to 175.131 issued under 53 Stat. 331, as amended; 26 U. S. C. 2871. Interprets or applies 53 Stat. 373, as amended; 26 U. S. C. 3170.

DERIVATION: §§ 175.1 to 175.131 are derived from Regulations 13, 1940 edition (26 CFR Part 175); 5 F. R. 1245, except as noted following sections affected.

NOTE: §§ 175.60, 175.62, 175.63, 175.74, 175.75, 175.76, 175.77, 175.78, 175.96 and 175.122 appearing herein are amendments effective only during the period of the unlimited national emergency proclaimed by the President on May 27, 1941 (Proc. 2519; 3 CFR Cum. Supp.). Upon termination of the unlimited national emergency these amendments will be automatically revoked and the regulations, as they existed prior to the issuance of Treasury Decision 5292, shall be reissued.

STATUTES GOVERNING THE TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS

SEC. 2871, I. R. C. REGULATION OF TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS.

Whenever in his judgment such action is necessary to protect the revenue, the Secretary is authorized, by the regulations prescribed by him, and permits issued thereunder if required by him (1) to regulate the size, branding, marking, sale, resale, possession, use, and re-use of containers (of a capacity of less than five wine-gallons) designed or intended for use for the sale at retail of distilled spirits (within the meaning of such term as it is used in section 2803) for other than industrial use, and (2) to require, of persons manufacturing, dealing in, or using any such containers, the submission to such inspection, the keeping of such records, and the filing of such reports as may be deemed by him reasonably necessary in connection therewith. Whoever willfully violates the provisions of any regulation prescribed, or the terms or conditions of any permit issued, pursuant to the authorization contained in this section, and any officer, director, or agent of any corporation who knowingly participates in such violation, shall, upon conviction, be fined not more than $1,000 or be imprisoned for not more than two years, or both; and, notwithstanding any criminal conviction, the containers involved in such violation shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for forfeitures, seizures, and condemnations for violations of the internal-revenue laws, and any such containers so seized and condemned shall be destroyed and not sold. Any requirements imposed under this section shall be in addition to any other requirements imposed by, or pursuant to, law, and shall apply as well to persons not liable for tax under the internal-revenue laws as to persons so liable.

SEC. 3170, I. R. C. TRANSFER AND DELEGATION OF POWERS.

The Secretary is authorized to confer and impose upon the Commissioner and any of his assistants, agents, or employees, and upon any other officer, employee, or agent of the Treasury Department, any of the rights, privileges, powers, duties, and protection conferred or imposed upon the Secretary, or any officer or employee of the Treasury Department, by any law now or hereafter in force relating to the taxation, exportation, transportation, manufacture, possession, or use of, or traffic in, distilled spirits, wine, fermented liquors, or denatured alcohol.

SUBPART A—SCOPE OF REGULATIONS

§ 175.1 *Containers of distilled spirits.* These regulations, "Regulations 13, Traffic in Containers of Distilled Spirits" (26 CFR Part 175), contain the procedural and substantive requirements relative to the traffic in containers of distilled spirits. The regulations cover the manufacture and sale of bottles for packaging distilled spirits; use of bottles for packaging distilled spirits; reports and inventories of liquor bottles; imports and exports of liquor bottles; permits and revocation proceedings; and the purchase, sale and possession of used containers.

SUBPART B—DEFINITIONS

§ 175.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 175.6 *Act.* "Act" shall mean section 2871, I. R. C., entitled "Regulation of Traffic in Containers of Distilled Spirits."

§ 175.7 *Age.* "Age" shall have the meaning given to such term by the provisions of "Regulations 5, Labeling and Advertising of Distilled Spirits" (27 CFR Part 5), issued under the Federal Alcohol Administration Act, and shall be stated in the manner provided in said part.

§ 175.8 *Application.* "Application" shall mean a formal written request for a permit for one or more of the privileges authorized by this part, verified under oath or supported by a verified statement of facts: *Provided*, That if such written request contains therein a provision for verification by a written declaration that such statement is made under penalties of perjury, such statement shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required in this section for verification.

§ 175.9 *Bottler.* "Bottler" shall mean a distiller, rectifier, proprietor of an internal revenue bonded warehouse, tax-paid bottling house, industrial alcohol plant or industrial alcohol bonded warehouse, a class 8 bonded warehouse qualified under the customs laws, or an agency of the United States or any State or political subdivision thereof.

§ 175.10 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 175.11 *Distilled spirits.* "Distilled spirits" shall mean (a) ethyl alcohol, hydrated oxide of ethyl, and spirits of wine, from whatever source derived or by whatever process produced, and (b) any alcoholic distillate fit for beverage purposes, such as whisky, brandy, gin, rum, liqueurs, cordials, and bitters, and all compounds, by whatever name called, containing distilled spirits and fit for beverage purposes, but shall not include wine containing 24 per centum or less of alcohol by volume: *Provided*, That this definition shall not apply to or include anhydrous alcohol, and alcohol withdrawn for tax-free purposes as provided by law.

§ 175.12 *District supervisor.* "District supervisor" or "supervisor" shall mean the person having charge of a supervisory district of the Alcohol Tax Unit of the Bureau of Internal Revenue.

§ 175.13 *Importer.* "Importer" shall mean any person authorized to import distilled spirits into the United States.

§ 175.14 *Kind.* "Kind" shall have the respective meanings given to such term by the "Standards of identity for distilled spirits," set forth in "Regulations 5, Labeling and Advertising of Distilled Spirits" (27 CFR Part 5), issued under the Federal Alcohol Administration Act, and shall be stated in the manner provided in said part.

§ 175.15 *Liquor bottle.* "Liquor bottle" shall mean any glass container for packaging distilled spirits for sale at retail, of a capacity of one-half pint or greater, conforming to this part and to the regulations prescribed under the Federal Alcohol Administration Act, Regulations 5 (27 CFR Part 5), the regulations in that regard heretofore promulgated by the Federal Alcohol Administration being hereby adopted as a part of this part.

NOTE: Digest of pertinent portions of the regulations of the Federal Alcohol Administration Act will be found in the Appendix in this part.

§ 175.16 *Permit.* "Permit" shall mean a written authorization signed by the supervisor, describing the acts permitted to be performed.

§ 175.17 *Person.* "Person" shall mean and include natural persons, associations, copartnerships, and corporations.

§ 175.18 *United States.* "United States" shall mean the continental United States and its outlying possessions to which the internal revenue laws apply; and all other possessions of the United States shall be deemed to be foreign countries for the purposes of this part.

§ 175.19 *Vintage spirits.* "Vintage spirits" shall mean all imported distilled spirits which are not less than 10 years old and which were bottled prior to August 1, 1934.

SUBPART C—MANUFACTURE AND SALE OF BOTTLES FOR PACKAGING DISTILLED SPIRITS

§ 175.30 *Permit to manufacture.* Any person intending to engage in the manufacture of liquor bottles shall apply on Form 93, including a description of the plant and equipment, to the supervisor of the district in which his plant is situated for an appropriate permit authorizing him to engage in such manufacture, and, except as may otherwise be provided in this part, no person may hereafter manufacture, store, ship, consign, or deliver liquor bottles unless in accordance with the terms of such a permit.

§ 175.31 *Changes in plant.* Any person who after the issuance of a permit authorizing him to engage in the manufacture of liquor bottles desires to make major changes in the construction or equipment of his plant, shall file an application on Form 93 with the supervisor of the district in which his plant is situated for an appropriate permit authorizing him to make such changes.

§ 175.32 *Storage of liquor bottles by manufacturer.* Any person authorized to manufacture liquor bottles may store such bottles off his permit premises either in a separate room having solid partitions or partitions constructed of 9-gauge 2-inch mesh wire, or in a separate warehouse, under permit issued by the supervisor of the district in which such storage space is located, pursuant to application Form 98: *Provided*, That such room or warehouse is of sound construction and the doors and windows are adequately protected, and that full time watchman service is provided.

§ 175.33 *Persons authorized to receive liquor bottles.* No person may ship, consign, or deliver liquor bottles except to authorized bottlers to whom the Commissioner has assigned an appropriate symbol and number for marking liquor bottles: *Provided*, That liquor bottles may be shipped pursuant to Form 98 by the glass manufacturer to another person for additional processing, such as coloring or cutting, where legal title and custody to such liquor bottles are retained by the glass manufacturer until they are delivered to the permittee-user.

§ 175.34 *Indicia for domestic liquor bottles.* There shall be blown legibly either in the bottom or in the body of each liquor bottle (a) the permit number of the manufacturer, (b) the year of manufacture (which shall be indicated by the last two numerals), and (c) a symbol and number assigned by the Commissioner to represent the name of the bottler procuring the same; and there shall be blown legibly on the shoulder of each such bottle the words "Federal Law Forbids Sale or Reuse of This Bottle": *Provided*, That liquor bottles which are ascertained by the Commissioner to be of distinctive shape or design for the packaging of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialties as may be specified from time to time by the Commissioner, may be manufactured and shipped, consigned, or delivered without indicia representing the name of the bottler procuring the same.

Subpart D—Labels

§ 175.40 *General.* Liquor bottles, and other containers, authorized by this part, in which distilled spirits are packaged for sale at retail, shall bear labels with the brands and marks prescribed by this subpart.

§ 175.41 *Brand name, kind and alcoholic content.* The brand name, kind and alcoholic content of the distilled spirits, by proof, shall be shown on the label, except that the alcoholic content may be stated in percentage, by volume, in the case of liqueurs, cordials, bitters, cocktails, gin fizzes, or other such specialties.

§ 175.42 *Net contents.* The net contents of liquor bottles or other containers shall be shown on the label, unless the statement of the net contents is legibly blown in the bottles or other containers.

§ 175.43 *Name and address of bottler.* The name and address of the bottler shall be shown on the label, except that in the case of distilled spirits bottled for the actual distiller or rectifier thereof, the name and address of such distiller or rectifier may be stated in lieu of the name and address of the bottler. In addition, on labels of distilled spirits bottled for a retailer or other person who is not the actual distiller or rectifier of such distilled spirits, there may be stated the name and address of such retailer or other person, immediately preceded by the words "Bottled for" or "Distributed by" or other similar statement.

Derivation: T. D. 5063.

§ 175.44 *Age of whisky not blended or rectified.* If whisky is not blended or rectified, the age thereof shall be shown on the label, but this statement shall not be required as to whisky bottled in bond or foreign or domestic whisky four years or more old.

§ 175.45 *Age of blended or rectified whisky.* If whisky is blended or rectified the age of the whisky therein and the respective percentage, by volume, of whisky or whiskies and neutral spirits, stated in the manner and form prescribed by "Regulations 5, Labeling and Advertising of Distilled Spirits" (27 CFR Part 5), issued under the Federal Alcohol Administration Act, shall be shown on the label: *Provided*, That this statement shall not be required in the case of blended foreign or domestic whiskies containing no neutral spirits, all of which are four years or more old.

§ 175.46 *Age of brandy.* If brandy is aged for a period of less than two years, the age thereof shall be shown on the label.

Derivation: T. D. 5063.

§ 175.47 *Coloring matter.* A statement of the percentage, by volume, of coloring matter, if such coloring matter is present in the distilled spirits in excess of 2½ per cent by volume, shall be shown on the label, except that this requirement shall not apply to liqueurs, cordials, bitters, cocktails, gin fizzes, or other such specialties.

Subpart E—Use of Bottles for Packaging Distilled Spirits

§ 175.55 *Containers for distilled spirits.* The use for packaging distilled spirits for sale at retail of containers of one-half pint capacity or greater, other than liquor bottles as defined in § 175.15 and otherwise conforming to the provisions of this part, is prohibited except as provided in §§ 175.56–175.58.

§ 175.56 *Distinctive containers for liqueurs and cordials.* Upon application (Form 98) by any bottler, the supervisor of the district in which the plant of such bottler is situated may, in his discretion, by the issuance of an appropriate permit, authorize the procurement and use by such bottler of liquor bottles which are ascertained by the Commissioner to be of distinctive shape or design for the packaging of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialties as may be specified from time to time by the Commissioner without the indicia representing the name of the bottler procuring the same.

§ 175.57 *Earthenware containers for distilled spirits.* Upon application (Form 98) by any bottler, the supervisor of the district in which the plant of such bottler is situated may, in his discretion, by the issuance of an appropriate permit, authorize the procurement and use, for packaging distilled spirits, of earthenware containers which are ascertained by the Commissioner to be of distinctive shape or design, marked legibly, by underglaze coloring, (a) either on the bottom or on the body with a symbol and number assigned by the Commissioner to represent the name of the bottler procuring the same, and (b) on the shoulder with the words, "Federal Law Forbids Sale or Reuse of This Bottle."

§ 175.58 *Earthenware containers for liqueurs and cordials.* Any bottler may package liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialties as may be specified from time to time by the Commissioner in earthenware containers not marked as required by the provisions of this part.

§ 175.59 *Use of liquor bottles bearing same indicia, by parent company and wholly-owned subsidiaries.* Any bottler authorized to bottle distilled spirits at more than one location may select any one permit symbol and number assigned to him, or to any of his wholly-owned subsidiaries, for use by him and at any or all of the premises of his wholly-owned subsidiaries at which distilled spirits are bottled. The bottler shall notify the Commissioner of such selection. Stocks of liquor bottles bearing such selected indicia may be shipped by the bottle manufacturer direct to the premises of the parent company or to any of its wholly-owned subsidiaries and may be transferred between such premises, without obtaining from the district supervisor a permit authorizing such shipment or transfer; however, bottles bearing any symbol and number assigned to the parent company or to any of its wholly-owned subsidiaries, other than those bearing the selected indicia, may not be shipped by the bottle manufacturer, or transferred, to any premises other than those of the bottler to whom the symbol and number were assigned, without first obtaining a permit, on Form 98, from the supervisor of the district in which the transferor-permittee is located.

§ 175.60 *Authorized receipt of liquor bottles.* No bottler shall accept shipment or delivery of new liquor bottles except from persons holding permits under the provisions of § 175.30. No bottler shall accept shipment or delivery of used liquor bottles except (a) from the owner or occupant of the premises upon which such bottles may lawfully be emptied, or

(b) from storage premises established under the provisions of § 175.63.

DERIVATION: T. D. 5292.

§ 175.61 *Use and resale of containers.* No bottler shall use any liquor bottle or other authorized marked container except for packaging distilled spirits or resell any liquor bottle or other authorized marked container except in connection with the sale of its contents, or divert any liquor bottle or other authorized marked container from his own use except upon application (Form 98) to and authorization by the Commissioner, as provided by § 175.115.

§ 175.62 *Reuse of containers.* The reuse for packaging distilled spirits for sale at retail of liquor bottles or other authorized marked containers, as defined in this part, is prohibited: *Provided*, That liquor bottles used for packaging domestic distilled spirits may be reused (a) by the bottler whose permit number is blown therein; (b) by the parent company or wholly owned subsidiary under the provisions of § 175.59; or (c) by the person acquiring stocks of liquor bottles in the possession of a permittee when any permit is suspended, revoked, or surrendered, as authorized by § 175.115; and liquor bottles used for packaging imported distilled spirits may be exported for reuse under the provisions of § 175.96.

DERIVATION: T. D. 5292.

§ 175.63 *Storage of liquor bottles.* Each person authorized to bottle distilled spirits, including any parent company that selects one symbol and number to be blown in liquor bottles for use by it and by one or more of its wholly-owned subsidiaries as authorized by § 175.59, shall store new and used liquor bottles bearing the indicia assigned to him by the Commissioner in a safe and secure place on the qualified premises: *Provided*, That such person, under permit issued by the supervisor of the district pursuant to an application filed on Form 98, may store such liquor bottles off his qualified premises, either in a separate warehouse, or in a separate room having solid partitions or partitions constructed of 9-gauge 2-inch mesh wire: *Provided further*, That such warehouse or room is of sound construction and the doors and windows are adequately protected: *And provided further*, That such bottler may store used liquor bottles bearing permit numbers of other authorized bottlers for the purpose of facilitating their return to the respective bottlers. He may also store liquor bottles used for packaging imported distilled spirits, for exportation as authorized by § 175.96. *And provided further*, That an importer, under permit issued by the supervisor of the district in which the storage place is located, pursuant to an application filed on Form 98, may store liquor bottles used for packaging imported distilled spirits, either in a separate warehouse or in a separate room as prescribed above, for exportation as authorized by § 175.96. He may also store liquor bottles used for packaging domestic distilled spirits, bearing permit numbers of authorized bottlers, for the purpose of facilitating their return to the respective bottlers. Each such bottler or importer must maintain adequate commercial records covering the receipt, disposition, and stocks of all such liquor bottles. Report of shipment of used liquor bottles for packaging domestic distilled spirits to the bottling premises as prescribed by § 175.71 and notice of receipt as prescribed by § 175.72 are not required.

DERIVATION: T. D. 5292.

SUBPART F—REPORTS AND INVENTORIES

SHIPMENT OF LIQUOR BOTTLES

§ 175.70 *Orders for containers.* Each order for the shipment or delivery of liquor bottles and other authorized marked containers shall show the name of the manufacturer-consignor, the date of the order, the shipping or delivery destination, the name and address of the consignee, the method of forwarding, and the shipment or delivery date requested by the consignee.

§ 175.71 *Report of shipment of containers.* A report showing the name of the manufacturer-consignor, the date of the order, the shipping or delivery destination, the name and address of the consignee, the method of forwarding, the number of packages, and the size, quantity, and description of containers furnished, shall be forwarded by the manufacturer-consignor with each shipment or delivery.

§ 175.72 *Notice of receipt of containers.* A notice of the receipt of shipment or delivery, showing the name of the manufacturer-consignor, the date of the order, the date of shipment or delivery, the date of receipt, the method of forwarding, the destination, the number of packages, and the size, quantity, and description of containers received, shall be forwarded by the consignee to the manufacturer-consignor upon receipt of any shipment or delivery of containers. A similar notice shall be forwarded by the consignee to the manufacturer-consignor upon the return of any unused containers.

§ 175.73 *Records of orders for, and reports of shipment and receipt of, containers.* The person placing the order shall keep in his place of business a copy of each order, the original report of shipment or delivery, and a copy of the notice of receipt of shipment or delivery. The manufacturer-consignor shall keep in his place of business the original order, a copy of the report of shipment or delivery, and the original notice of receipt of the shipment or delivery. Where stocks of liquor bottles bearing the same indicia authorized under § 175.59 are ordered by a parent company for shipment direct to a wholly-owned subsidiary, the parent company shall furnish such subsidiary with a copy of the order. Where such bottles are ordered and received by the parent company and subsequently transferred to a wholly-owned subsidiary, the parent company shall furnish the subsidiary with a notice of such shipment and the subsidiary company shall furnish the parent company with a notice of the receipt of such bottles. Where such liquor bottles are transferred between the wholly-owned subsidiaries, the transferor shall furnish the transferee with a notice of shipment and the transferee shall furnish the transferor with a notice of receipt. The records prescribed by this subpart shall be maintained for a period of three years, available for inspection by Government officers.

REPORTS

§ 175.74 *Manufacturing premises.* Each person authorized by any supervisor to engage in the manufacture of liquor bottles shall furnish the supervisor of the district in which the plant is situated a monthly report on Form 146, relating to the manufacture, disposition, and stocks of all bottles designed or intended for the packaging of distilled spirits.

DERIVATION: T. D. 5292.

§ 175.75 *Bottling premises.* Each bottler shall furnish to the supervisor of the district in which the bottling plant is situated a monthly report on Form 147, showing the receipt, disposition, and stocks of all containers designed or intended for the packaging of distilled spirits. New and used liquor bottles will be reported separately on Form 147.

DERIVATION: T. D. 5292.

§ 175.76 *Separate storage premises of bottlers.* Each bottler who maintains storage premises off his qualified premises for new or used liquor bottles, or both, shall furnish to the supervisor of the district in which the place of storage is situated a monthly report on Form 147, showing the receipt, disposition, and stocks of all containers designed or intended for the packaging of distilled spirits. New and used liquor bottles will be reported separately on Form 147.

DERIVATION: T. D. 5292.

§ 175.77 *Storage premises of importers.* Each importer who maintains storage premises for used liquor bottles shall furnish to the supervisor of the district in which the place of storage is situated a monthly report on Form 147 showing the receipt, disposition, and stocks of all liquor bottles.

DERIVATION: T. D. 5292.

§ 175.78 *Other requirements.* Each manufacturer, bottler, and importer shall keep such other records and furnish such inventories and reports relating to the manufacture, shipment, delivery, purchase, use, or sale of all containers designed or intended for the packaging of distilled spirits, as the Commissioner may from time to time require.

DERIVATION: T. D. 5292.

§ 175.79 *Inspection of stocks and records of containers.* The records required to be kept under the provisions of this subpart, and all stocks of liquor bottles and other authorized containers in the hands of liquor-bottle manufacturers and bottlers, shall at all times be available for inspection by the Commissioner or his assistants, agents, and inspectors.

SUBPART G—IMPORTS AND EXPORTS

IMPORTATION

§ 175.85 *General.* The importation into the United States of containers of one-half pint capacity or greater for use in packaging distilled spirits for sale at retail, except in connection with the importation of the liquor contained therein, is prohibited, except as provided in §§ 175.86 and 175.87.

§ 175.86 *Empty containers for imported liquors.* Upon application (Form 98) by any importer the supervisor of the district in which the port of entry is situated may in his discretion, by the issuance of an appropriate permit, authorize the importation of empty liquor bottles, or other authorized containers, for packaging distilled spirits imported by him and to be bottled by an authorized bottler: *Provided,* That no importer may have in his possession at any time liquor bottles or other authorized containers for bottling imported or domestic distilled spirits. There shall be blown legibly either in the bottom or in the body of all empty bottles imported under this provision, the name, and the name of the city of address, of the importer thereof, and there shall be blown legibly in the shoulder of each such bottle the words "Federal Law Forbids Sale or Reuse of This Bottle."

§ 175.87 *Empty containers for domestic liquors.* Upon application (Form 98) by any bottler, the supervisor of the district in which the applicant is situated may in his discretion, by the issuance of an appropriate permit, authorize the importation, for the packaging of domestic distilled spirits, of empty liquor bottles which are ascertained by the Commissioner to be of distinctive shape or design, and in regard to which satisfactory evidence is submitted that they cannot be obtained in the United States. The district supervisor issuing the permit will furnish a copy to the supervisor of the district in which the port of entry is situated. There shall be blown legibly in the shoulder of each such bottle imported under this provision, the words "Federal Law Forbids Sale or Reuse of This Bottle," and in the body thereof, the name, and the name of the city or country of address of the glass manufacturer. The permit symbol and number of the bottler shall be blown either in the body or in the bottom of each such bottle. Upon application (Form 98) by any bottler, the supervisor of the district in which the applicant is located may in his discretion, by the issuance of an appropriate permit, authorize the importation of earthenware containers not marked as required by this part, for the packaging of domestic liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialities as may be specified from time to time by the Commissioner.

§ 175.88 *Records of orders for, and notices of receipt of, empty containers.* After the issuance of the permit authorizing the importation of containers for packaging imported or domestic distilled spirits, the importer or bottler placing the order shall forward a certified copy of the order to the supervisor of the district who issued the permit and a copy to the supervisor of the district in which the consignee is located. The certified copy of the order shall show the name, and the name of the city and country of address, of the glass manufacturer abroad, the date of the order, the place from which shipped, the name and address of the consignee, the method of forwarding, the size, quantity, and description of the bottles ordered, and the shipment or delivery date requested by the consignee. Upon receipt by the consignee of any shipment or delivery of such containers, the importer or bottler placing the order shall forward to each such supervisor a notice of the receipt of shipment or delivery, showing the name, and the name of the city and country of address, of the glass manufacturer abroad, the date of the order, the place from which shipped, the date of receipt, the name and address of the consignee, the method of forwarding, and the size, quantity, and description of the bottles furnished.

§ 175.89 *Importation of distilled spirits in containers other than liquor bottles.* No distilled spirits for sale at retail may be imported into the United States in containers of one-half pint capacity or greater, other than liquor bottles as defined in § 175.15, unless in accordance with the terms of a permit (Form 98) issued, upon proper application, by the supervisor of the district in which the port of entry is situated, expressly authorizing importation in containers other than liquor bottles. The provisions of this section shall not apply to the importation of distilled spirits in bulk containers of a capacity of 5 wine gallons or greater.

INDICIA FOR IMPORTED, FILLED CONTAINERS

§ 175.90 *Indicia.* There shall be blown legibly either in the bottom or in the body of all liquor bottles containing distilled spirits imported from foreign countries the name, and the name of the city or country of address, of the manufacturer of the spirits, or of the exporter abroad, or the name, and the name of the city of address, of the importer in the United States, and there shall be blown legibly in the shoulder of each such bottle the words "Federal Law Forbids Sale or Reuse of This Bottle," except as provided in §§ 175.91–175.94.

§ 175.91 *Vintage spirits.* Upon application (Form 98), the supervisor of the district in which the port of entry is situated may, in his discretion, issue a permit authorizing the importation, in bottles not marked as provided by § 175.90 of vintage spirits, if accompanied by authenticated certificates of origin establishing such spirits to be as defined in § 175.19.

§ 175.92 *Liqueurs and cordials in distinctive containers.* Upon application, Form 98, the supervisor of the district in which the port of entry is situated may, in his discretion, issue a permit authorizing the importation of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialties as may be specified from time to time by the Commissioner in bottles which are ascertained by the Commissioner to be of distinctive shape or design, not marked as required by § 175.90.

§ 175.93 *Liqueurs and cordials in earthenware containers.* Upon application, Form 98, the supervisor of the district in which the port of entry is situated may, in his discretion, issue a permit authorizing the importation of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialties as may be specified from time to time by the Commissioner in earthenware containers not marked as required by § 175.90.

§ 175.94 *Distilled spirits in earthenware containers.* Upon application, Form 98, the supervisor of the district in which the port of entry is situated may, in his discretion, issue a permit authorizing the importation of distilled spirits in earthenware containers which are ascertained by the Commissioner to be of distinctive shape or design, marked legibly in underglaze coloring (a) either on the bottom or on the body with the name, and the name of the city or country of address, of the manufacturer of the spirits, or of the exporter abroad, or the name, and the name of the city of address, of the importer in the United States, and (b) on the shoulder with the words "Federal Law Forbids Sale or Reuse of This Bottle."

§ 175.95 *Containers denied entry.* Containers, whether filled or empty, imported in violation of the provisions of Subpart G shall be denied entry into the United States.

EXPORTATION OF LIQUOR BOTTLES

§ 175.96 *Liquor bottles exported.* Containers of distilled spirits exported in bond shall not be subject to the provisions of this part, and the manufacture, and the shipment or delivery, of containers for packaging such spirits, as well as the manufacture for exportation, and the exportation to foreign countries, of empty containers for packaging distilled spirits for sale at retail may, upon application (Form 98), in the discretion of the supervisor of the district in which such manufacture is carried on, be authorized under permit. Used liquor bottles may be exported for reuse by the original bottler for packaging distilled spirits for exportation to the United States for sale at retail. Such exportation may be authorized under permit issued by the supervisor of the district in which such used bottles are stored, pursuant to an application (Form 98) filed by the importer.

DERIVATION: T. D. 5292.

§ 175.97 *Language of indicia.* Wherever in this part the name of any city or country is required to be blown in any bottle, the name may be either in the language of such country or in English.

SUBPART H—PERMITS, REVOCATION PROCEEDINGS

§ 175.105 *Application.* Permits shall be issued only upon application therefor, filed with the supervisor in such form and in accordance with such rules as may be prescribed by the Commissioner.

§ 175.106 *Investigation.* The supervisor shall make a thorough investiga-

tion of each application and all material facts ascertained shall be taken into account by him in acting thereon.

§ 175.107 *Approval.* If, after considering an application, together with all material facts ascertained by investigation, the supervisor is of the opinion that the applicant is entitled to a permit under the law and regulations, the supervisor shall issue the permit as applied for.

§ 175.108 *Disapproval.* If the applicant is not entitled under section 175.107 to a permit, the supervisor shall disapprove the application and shall forthwith advise the applicant of such disapproval and of the grounds therefor.

§ 175.109 *Hearing.* Within 15 days after notice of disapproval, the applicant may file with the supervisor a request, in writing, for a hearing upon the application. If no request for hearing is received within such period, the disapproval shall be final. If request for hearing is received within such period, the supervisor shall designate a place and date of hearing and shall notify the applicant thereof. Notice of place and date of hearing shall be given not less than 15 days in advance of the date of hearing. Following the hearing, which may be held by the supervisor or his duly authorized agent, the supervisor shall make findings on the basis of the record, and shall thereupon, in accordance with the findings, affirm or reverse the disapproval of the application. If the original disapproval is reversed, the supervisor shall promptly issue the permit applied for. If the original disapproval is affirmed, the supervisor shall forthwith notify the applicant, who may, within 15 days of such notification, file with the supervisor a request for review of the record by the Commissioner. The supervisor shall forward such request to the Commissioner, together with a copy of the record.

§ 175.110 *Review by Commissioner.* If the Commissioner shall grant such review and shall, upon the record of the hearing before the supervisor, reverse the findings of the supervisor, he shall remand the record for further proceedings in accordance with his findings. If he affirms the findings of the supervisor, he shall so notify the applicant and his action thereon shall be final.

§ 175.111 *Rehearing.* Should the supervisor or Commissioner deem a rehearing necessary he may, upon application by the permittee, or on his own motion, order the same, and such rehearing shall be held before the supervisor, or his duly authorized agent, and shall otherwise conform to the requirements of this subpart, including findings and decision by the supervisor and review by the Commissioner. The testimony of the previous hearing may be made a part of the rehearing record.

§ 175.112 *Terms and conditions of permit.* All applicable provisions of this part, and all statements, conditions, and stipulations contained in an application for a permit, and all statements, evidence, affidavits, and other documents filed in support thereof, shall be considered as part of the terms and conditions of the permit. Each permit will specifically designate and limit the acts authorized by it and the time and place where such acts may be performed. Such permit may be issued for any specified period of time, not exceeding one year.

§ 175.113 *Violation of permit.* If the supervisor has reason to believe that the permittee has violated, or is violating, any of the provisions of the act, the regulations thereunder, or any of the terms or conditions of the permit, he shall serve a citation upon such permittee, ordering him to appear at a time and place designated in the citation, and show cause why his permit should not be suspended or revoked. The hearing date shall not be earlier than 15 days after the date of service of the citation. The permittee may appear at such hearing in person, or by attorney, and he and the attorney for the Government may offer such evidence, including affidavits, and submit such arguments and briefs with respect to the permit as may be deemed appropriate. The supervisor shall cause the testimony to be duly recorded, and, upon completion of the hearing, shall make a finding and order suspending or revoking the permit, or dismissing the proceedings, as in his judgment the evidence may warrant. He shall then promptly notify the permittee of his action. Should the permittee desire a review of the finding and order by the Commissioner, the procedure in such case shall conform to that prescribed in §§ 175.109, 175.110, and 175.111 for applicants for permits, except that the order of the Commissioner shall be for a rehearing or for the reversal and remanding of the proceeding or for the final revocation of the permit.

§ 175.114 *Citation.* The citation in revocation and suspension proceedings shall contain a statement of the acts charged as having been committed by the permittee and constituting grounds upon which suspension or revocation of his permit is sought. Service of such citation shall be made by mailing an original copy thereof to the permittee, by registered mail (with request for registry return receipt card), at the address stated in the permit, or by delivery of such original copy to such permittee personally by an officer or agent of the Commissioner. A certificate of mailing and the registry return card, or certificate of the officer or agent making personal service shall be filed as part of the record in the case and shall be prima facie evidence of valid service of the citation.

§ 175.115 *Disposition of stocks of containers.* When any permit is suspended, revoked, or surrendered, stocks of liquor bottles and other authorized marked containers on hand or in process may be disposed of under permit to a person authorized to receive liquor bottles in accordance with the directions of the Commissioner. Application shall be made on Form 98 by such person for permission to acquire the entire stock, regardless of place of storage or persons or concerns holding title thereto, and submitted to the supervisor of the district in which the applicant is located. A sample of each size and type of container represented in the stock which the applicant desires to purchase shall be submitted to the Commissioner for examination. If such stocks are not disposed of in accordance with the directions of the Commissioner, they shall be seized and forfeited as provided in the act.

Subpart I—Purchase, Sale, and Possession of Used Containers

§ 175.120 *Purchase or sale of used containers.* The purchase or sale of used liquor bottles, and other authorized marked containers, except as provided in this part, is prohibited.

§ 175.121 *Reuse of containers.* No liquor bottle or other authorized container shall be reused for the packaging of distilled spirits except as provided in § 175.62, nor shall the original contents, or any portion of such original contents, remaining in a liquor bottle or other authorized container be increased by the addition of any substance.

§ 175.122 *Possession of used containers.* The possession of used liquor bottles or other authorized marked containers by any person other than the person who empties the contents thereof, or the bottler or the importer as authorized under § 175.63, is prohibited: *Provided*, That this shall not prevent the owner or occupant of any premises upon which such bottles or containers may lawfully be emptied from assembling the same upon such premises (a) for the purpose of destruction or (b) for delivery to a bottler or importer who maintains a storage place for used liquor bottles authorized under § 175.63.

Derivation: T. D. 5292.

Subpart J—General Provisions

§ 175.130 *Administration and enforcement of the act and this part.* The Deputy Commissioner in charge of the Alcohol Tax Unit, Bureau of Internal Revenue, and his assistants, agents, and inspectors, are, under the direction of the Commissioner, charged with the administration and enforcement of the act and the provisions of this part.

§ 175.131 *Instruments and papers.* The terms, conditions, and instructions contained in instruments and papers required to be furnished by law or regulations are hereby made a part of this part as fully and to the same extent as if incorporated in this part.

Effect. These regulations shall be effective as of April 1, 1950.

Approved: June 16, 1950.

[SEAL] John S. Graham,
Acting Secretary of the Treasury.

Appendix—Digest of Certain Portions of Regulations Issued Under The Federal Alcohol Administration Act Relating to Standard Bottles for Distilled Spirits

1. The standard bottles prescribed by regulations issued under the Federal Alcohol Administration Act are bottles of such size that they hold distilled spirits in an amount equal to one of the standards of fill set forth in paragraph 2 with a head space not in excess of 8 per centum of the total capacity of the bottle after closure.

2. The standards of fill for distilled spirits in liquor bottles are as follows, subject to the tolerances set forth in paragraph 3 (fills in amounts less than ½ pints omitted):

For all distilled spirits, whether domestically manufactured, domestically bottled, or imported:

1 gallon.
½ gallon.
1 quart.
⅘ quart.
1 pint.
½ pint.

In addition, for Scotch and Irish whisky and Scotch and Irish type whisky; and for brandy and rum:

⅕ pint.

3. The following tolerances shall be allowed:

(a) Discrepancies due exclusively to errors in measuring which occur in filling conducted in compliance with good commercial practice.

(b) Discrepancies due exclusively to differences in the capacity of bottles, resulting solely from unavoidable difficulties in manufacturing such bottles so as to be of uniform capacity: *Provided*, That no greater tolerance shall be allowed in case of bottles which because of their design, cannot be made of approximately uniform capacity than is allowed in case of bottles which can be manufactured so as to be of approximately uniform capacity.

(c) Discrepancies in measure due exclusively to differences in atmospheric conditions in various places and which unavoidably result from the ordinary and customary exposure of alcoholic beverages in bottles to evaporation. The reasonableness of discrepancies under this paragraph shall be determined on the facts in each case.

4. Distilled spirits domestically bottled prior to January 1, 1935, and imported distilled spirits entered in customs bond in bottles prior to March 1, 1935, shall be regarded as being in conformity with the prescribed standards of fill (1) if the bottle, or the label on the bottle, contains a conspicuous statement of the net contents thereof, and (2) if the actual capacity of the bottle is not substantially less than the capacity it appears to have upon visual examination under ordinary conditions of purchase or use.

5. As used with reference to standard bottles, the term "gallon" means United States gallon of 231 cubic inches of alcoholic beverages at 60° F., and all other units of liquid measure are subdivisions of the gallon as so defined.

6. The standards of fill herein set forth do not apply to the following:

(a) Distilled spirits imported as vintage spirits under permit issued by a district supervisor pursuant to Regulations 13 (26 CFR Part 175).

(b) Cordials and liqueurs, and cocktails, highballs, gin fizzes, bitters, and such other specialties as are specified from time to time by the Deputy Commissioner.

[F. R. Doc. 50-5419; Filed, June 22, 1950; 8:51 a. m.]

[Regulations 23]

PART 181—STILLS AND DISTILLING APPARATUS

Preamble: 1. These regulations "Regulations 23, Stills and Distilling Apparatus" (26 CFR Part 181) are a republication of Regulations 23, 1940 edition (26 CFR Part 181, 5 F. R. 1292) and all amendments and modifications thereof through March 31, 1950.

2. These regulations consist only of previously approved material but the text has been rearranged and renumbered to conform to the Federal Register Regulations (13 F. R. 5929).

3. These regulations shall, on and after April 1, 1950, supersede Regulations 23 (26 CFR Part 181, 5 F. R. 1292); Treasury Decision 4993 (5 F. R. 2711); Treasury Decision 5146 (7 F. R. 3441); Treasury Decision 5484 (10 F. R. 14289); Treasury Decision 5537 (11 F. R. 10268); Treasury Decision 5582 (12 F. R. 7827); Treasury Decision 5588 (12 F. R. 7859); and Treasury Decision 5651 (13 F. R. 5210).

4. These regulations shall not affect or limit any act done or any liability incurred under any regulations superseded hereby, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the effective date of these regulations, nor shall these regulations release, acquit, affect, or limit any offense committed in violation of previously existing regulations, or any penalty, liability or forfeiture incurred prior to such date.

5. It is found that compliance with the notice and public rule-making procedure and effective date limitations of the Administrative Procedure Act (5 U. S. C. 1001, et seq.) is unnecessary in connection with the issuance of the regulations in this part for the reason that the changes made are of a technical and clarifying nature and do not adversely affect the legitimate industry.

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3170, I. R. C. Transfer and delegation of powers.
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3272, I. R. C. Returns.
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3274, I. R. C. Penalties relating to posting of special tax stamp.
3278, I. R. C. Liability in case of business in more than one location.
3301, I. R. C. Attachment and cancellation.
3326, I. R. C. Penalty for fraudulently claiming drawback.
3331, I. R. C. Exemption from tax of domestic goods purchased for the United States.
3351, I. R. C. Shipments from the United States to Virgin Islands.
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3791, I. R. C. Rules and regulations.
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AUTHORITY: §§ 181.1 to 181.89 issued under R. S. 161; 53 Stat. 375, 467; 5 U. S. C. 22, 26 U. S. C. 3176, 3791. Other statutory provisions interpreted or applied are cited to text in parentheses.

DERIVATION: §§ 181.1 to 181.89 are derived from Regulations 23, 1940 edition (26 CFR Part 181); 5 F. R. 1292, except as noted following sections affected.

LAWS OF MORE COMMON APPLICATION PERTAINING TO STILLS AND DISTILLING APPARATUS

SEC. 2809, I. R. C. DEFINITIONS.

* * * * *

(b) *Distilled spirits*—(1) *General defintion.* Distilled spirits, spirits, alcohol, and alcoholic spirits, within the true intent and meaning of this chapter, is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of this substance.

* * * * *

SEC. 2810, I. R. C. REGISTRY OF STILLS.

(a) *Requirement.* Every person having in his possession or custody, or under his control, any still or distilling apparatus set up, shall register the same with the collector of the district in which it is, by subscribing and filing with him duplicate statements, in writing, setting forth the particular place where such still or distilling apparatus is set up, the kind of still and its cubic contents, the owner thereof, his place of residence, and the purpose for which said still or distilling apparatus has been or is intended to be used; one of which statements shall be retained and preserved by the collector, and the other transmitted by him to the Commissioner. Stills and distilling apparatus shall be registered immediately upon their being set up.

Every still or distilling apparatus not so registered, together with all personal property in the possession or custody, or under the control of such person, and found in the building, or in any yard or enclosure connected with the building in which the same may be set up, shall be forfeited.

And every person having in his possession or custody, or under his control, any still or distilling apparatus set up which is not so registered, shall pay a penalty of $500, and shall be fined not less than $100, nor more than $1,000, and imprisoned for not less than one month, nor more than two years.

Stills and distilling apparatus set up at refineries for the refining of crude petroleum or the production of petroleum products and not used in the manufacture of distilled spirits are not required to be registered under this section.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

SEC. 2818, I. R. C. NOTICE OF MANUFACTURE OF AND PERMIT TO SET UP STILL.

(a) *Requirement.* Any person who manufactures any still, boiler, or other vessel to be used for the purpose of distilling, shall, before the same is removed from the place of manufacture, notify in writing the collector of the district in which such still, boiler, or other vessel is to be used or set up, by whom it is to be used, its capacity, and the time when the same is to be removed from the place of manufacture; and no such still, boiler, or other vessel shall be set up without the permit in writing of the said collector for that purpose; and

(b) *Penalty for setting up still without permit.* Any person who sets up any such still, boiler, or other vessel, without first obtaining a permit from the said collector of the district in which such still, boiler, or other vessel is intended to be used, or who fails to give such notice, shall pay in either case the sum of $500, and shall forfeit the distilling apparatus thus removed or set up in violation of law.

(c) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

SEC. 3124, I. R. C. DEFINITIONS.

(a) *When used in this part.* (1) The term "alcohol" means that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, from whatever source or whatever processes produced.

Spirits of less proof than one hundred and sixty degrees may, under regulations, be deemed to be alcohol for the purpose of denaturation, under the provisions of this title.

* * * * *

SEC. 3170, I. R. C. TRANSFER AND DELEGATION OF POWERS.

The Secretary is authorized to confer and impose upon the Commissioner and any of his assistants, agents, or employees, and upon any other officer, employee, or agent of the Treasury Department, any of the rights, privileges, powers, duties, and protection conferred or imposed upon the Secretary, or any officer or employee of the Treasury Department, by any law now or hereafter in force relating to the taxation, exportation, transportation, manufacture, possession, or use of, or traffic in, distilled spirits, wine, fermented liquors, or denatured alcohol.

SEC. 3176, I. R. C., RULES AND REGULATIONS.

(a) *Power of Commissioner.* The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agent, see section 3170.

SEC. 3250, I. R. C. TAX.

* * * * *

(j) *Manufacturers of stills*—(1) *In general.* Manufacturers of stills shall each pay a special tax of $55, and $22 for each still or worm for distilling made by him.

(2) *Distillers manufacturing own stills.* Paragraph (1) of this subsection and section 3254 (h) shall not apply to distillers in registered distilleries who manufacture for their own use wooden stills, but each of said distillers shall give notice to the collector of the district in which his distillery is located of each still manufactured before the same is used.

(3) *Drawback.* Upon all stills manufactured for export, and actually exported, there shall be allowed a drawback, where the tax thereon has been paid, under such rules and regulations as the Commissioner, with the approval of the Secretary, shall prescribe.

(k) *Cross reference.* For transfer of the powers and duties of the Commissioner and his agents, see section 3170.

SEC. 3254, I. R. C. DEFINITIONS.

* * * * *

(g) *Rectifier.* Every person who rectifies, purifies, or refines distilled spirits or wines by any process other than by original and continuous distillation from mash, wort, or wash, through continuous closed vessels and pipes, until the manufacture thereof is complete, and every wholesale or retail liquor dealer who has in his possession any still or leach tub, or who keeps any other apparatus for the purpose of refining in any manner distilled spirits, * * * shall be regarded as a rectifier, and as being engaged in the business of rectifying:

* * * * *

(h) *Manufacturer of stills.* Any person who manufactures any still or worm to be used in distilling shall be deemed a manufacturer of stills.

SEC. 3270, I. R. C. REGISTRATION.

(a) *Requirements.* Every person engaged in any trade or business on which a special tax is imposed by law shall register with the collector of the district his name or style, place of residence, trade or business, and the place where such trade or business is to be carried on. In case of a firm or company, the names of the several persons constituting the same, and the places of residence, shall be so registered.

* * * * *

SEC. 3271, I. R. C. PAYMENT OF TAX.

(a) *Condition precedent to doing business.* No person shall be engaged in or carry on any trade or business mentioned in this chapter until he has paid a special tax therefor in the manner provided in this chapter.

(b) *Due date.* All special taxes shall become due on the 1st day of July in each year, or on commencing any trade or business on which such tax is imposed. In the former case the tax shall be reckoned for one year, and in the latter case it shall be reckoned proportionately, from the 1st day of the month in which the liability to a special tax commenced, to and including the 30th day of June following.

(c) *How paid*—(1) *Stamp.* All special taxes imposed by law, including the tax on stills or worms, shall be paid by stamps denoting the tax.

(2) *Assessment.* For authority of Commissioner to make assessments where the special taxes have not been duly paid by stamp, at the time and in the manner provided by law, see section 3640.

SEC. 3272, I. R. C. RETURNS.

(a) *Time for filing.* It shall be the duty of the special taxpayers to render their returns with remittances to the collector at such times within the calendar month in which the special tax liability commenced as shall enable him to receive such returns, duly signed and verified, together with the remittances, not later than the last day of the month, except in cases of sickness or absence, as provided for in section 3634.

* * * * *

(c) *Penalties.* For penalties imposed for failure to file returns or for making false or fraudulent returns, see section 3612.

SEC. 3273, I. R. C. STAMPS.

(a) *Supply.* The Commissioner is required to procure appropriate stamps for the payment of all special taxes imposed by law, including the tax on stills or worms; and the provisions of section 2802 (a) and of sections 3300, 3301, and 3302, and all other provisions of law relating to the preparation and issue of stamps for distilled spirits, fermented liquors, tobacco, and cigars, shall, so far as applicable, extend to and include such stamps for special taxes; and the Commissioner shall have authority to make all needful regulations relative thereto.

(b) *Posting.* Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax, shall place and keep conspicuously in his establishment or place of business all stamps denoting the payment of said special tax.

* * * * *

SEC. 3274, I. R. C. PENALTIES RELATING TO POSTING OF SPECIAL TAX STAMP.

Any person who shall, through negligence, fail to place and keep stamps denoting the payment of the special tax as provided in section 3273 (b) shall be liable to a penalty equal to the special tax for which his business rendered him liable, and the costs of prosecution; but in no case shall said penalty be less than $10. And where the failure to comply with the provisions of section 3273 (b) shall be through willful neglect or refusal, then the penalty shall be double the amount above prescribed: *Provided*, That nothing in this section shall in any way affect the liability of any person for exer-

cising or carrying on any trade, business, or profession, or doing any act for the exercising, carrying on, or doing of which a special tax is imposed by law, without the payment thereof.

SEC. 3278, I. R. C. LIABILITY IN CASE OF BUSINESS IN MORE THAN ONE LOCATION.

The payment of the special tax imposed shall not exempt from an additional special tax the person carrying on a trade or business in any other place than that stated in the collector's register; but nothing herein contained shall require a special tax for the storage of goods, wares, or merchandise in other places than the place of business, nor, except as provided in this chapter for the sale by manufacturers or producers of their own goods, wares, and merchandise, at the place of production or manufacture, and at their principal office or place of business, provided no goods, wares, or merchandise shall be kept except as samples at said office or place of business.

SEC. 3301 I. R. C. ATTACHMENT AND CANCELLATION.

(a) *General authority to prescribe methods and instruments.* The stamps referred to in the preceding section shall be attached, protected, removed, canceled, obliterated, and destroyed, in such manner and by such instruments or other means as the Commissioner, with the approval of the Secretary, may prescribe; and he is authorized and empowered to make, with the approval of the Secretary, all needful regulations relating thereto.

SEC. 3326, I. R. C. PENALTY FOR FRAUDULENTLY CLAIMING DRAWBACK.

Whenever any person fraudulently claims or seeks to obtain an allowance of drawback on goods, wares, or merchandise on which no internal tax shall have been paid, or fraudulently claims any greater allowance of drawback than the tax actually paid, he shall forfeit triple the amount wrongfully or fraudulently claimed or sought to be obtained, or the sum of $500, at the election of the Secretary.

SEC. 3331, I. R. C. EXEMPTION FROM TAX OF DOMESTIC GOODS PURCHASED FOR THE UNITED STATES.

The privilege existing by provision of law on December 1, 1873, or thereafter of purchasing supplies of goods imported from foreign countries for the use of the United States, duty free, shall be extended, under such regulations as the Secretary may prescribe, to all articles of domestic production which are subject to tax by the provisions of this subtitle.

SEC. 3351, I. R. C. SHIPMENTS FROM THE UNITED STATES TO VIRGIN ISLANDS.

* * * * *

(c) *Drawback of tax paid in the United States.* All provisions of law for the allowance of drawback of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to the Virgin Islands.

SEC. 3361, I. R. C. SHIPMENTS FROM THE UNITED STATES TO PUERTO RICO, GUAM, OR AMERICAN SAMOA.

* * * * *

(c) *Drawback of tax paid in the United States.* All provisions of law for the allowance of drawback of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to Puerto Rico, Guam, or American Samoa.

SEC. 3612, I. R. C. RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR.

(a) *Authority of collector.* If any person fails to make and file a return or list at the time prescribed by law or by regulation made under authority of law, or makes, willfully or otherwise, a false or fraudulent return or list, the collector or deputy collector shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise.

(b) *Authority of Commissioner.* In any such case the Commissioner may, from his own knowledge and from such information as he can obtain through testimony or otherwise:

(1) *To make return.* Make a return, or

(2) *To amend collector's return.* Amend any return made by a collector or deputy collector.

(c) *Legal status of returns.* Any return or list so made and subscribed by the Commissioner, or by a collector or deputy collector and approved by the Commissioner, shall be prima facie good and sufficient for all legal purposes.

(d) *Additions to tax*—(1) *Failure to file return.* In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax: *Provided*, That in the case of a failure to make and file a return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after August 30, 1935, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

(2) *Fraud.* In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

* * * * *

(e) *Collection of additions to tax.* The amount added to any tax under paragraphs (1) and (2) of subsection (d) shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

(f) *Determination and assessment.* The Commissioner shall determine and assess all taxes, other than stamp taxes, as to which returns or lists are so made under the provisions of this section.

SEC. 3634, I. R. C. EXTENSION OF TIME FOR FILING RETURNS.

If failure to file a return (other than a return of income tax) or list at the time prescribed by law or by regulation made under authority of law is due to sickness or absence, the collector may allow such further time, not exceeding thirty days, for making and filing the return or list as he deems proper.

SEC. 3791, I. R. C. RULES AND REGULATIONS.

(a) *Authorization*—(1) *In general.* Except as provided in section 1928 (a), Cotton Futures, section 2599, Marihuana, section 2559, Narcotics, section 3176, Liquor, and section 1805, Silver, the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.

(2) *In case of change in law.* The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

* * * * *

SEC. 3809, I. R. C. VERIFICATION OF RETURNS: PENALTIES OF PERJURY.

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

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

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

DEPARTMENTAL REGULATIONS

SEC. 161, R. S. (5 U. S. C. 22). The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

SUBPART A—SCOPE OF REGULATIONS

§ 181.1 *Stills and distilling apparatus.* These regulations, "Regulations 23, Stills and Distilling Apparatus (26 CFR Part 181), contain the procedural and substantive requirements relative to the manufacture, tax-payment, removal, use, and registration of stills and worms or condensers, and the exportation of stills with benefit of drawback of internal revenue tax and the exportation free of tax of distilling apparatus not intended for use in distilling purposes as defined in this part.

SUBPART B—DEFINITIONS

§ 181.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 181.6 *Collector.* "Collector," unless otherwise indicated, shall mean the collector of internal revenue of the collection district in which the manufacturer of stills is located.

§ 181.7 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 181.8 *Distilling apparatus.* "Distilling apparatus" shall mean any still or worm or condenser defined in §§ 181.13 and 181.14.

§ 181.9 *District supervisor.* "District supervisor" or "supervisor" shall mean the person having charge of a supervisory district of the Alcohol Tax Unit of the Bureau of Internal Revenue.

§ 181.10 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include females, associations, copartnerships, and corporations.

§ 181.11 *I. R. C.* The letters "I. R. C." shall mean the Internal Revenue Code (Public No. 1, Seventy-Sixth Congress).

§ 181.12 *Person, manufacturer, distiller, user.* The terms, "person," "man-

ufacturer," "distiller," or "user" shall include natural persons, associations, copartnerships, and corporations.

§ 181.13 *Still.* "Still" shall mean any apparatus designed, intended, actually used, or capable of being used for separating alcoholic or spirituous vapors, or alcohol or spirituous solutions, or alcohol or spirits, from alcohol or spirituous solutions or mixtures, but shall not include stills used for laboratory purposes or stills used for distilling water or other nonalcoholic materials, where the cubic capacity of such stills is one gallon or less.

DERIVATION: T. D. 5484.

§ 181.14 *Worm or condenser.* "Worm" or "condenser" shall mean any apparatus designed, intended, actually used, or capable of being used when connected with a still, for condensing or liquefying alcoholic or spirituous vapors, but shall not include worms or condensers to be used with laboratory stills or stills used for distilling water or other nonalcoholic materials, where the cubic capacity of such stills is one gallon or less.

DERIVATION: T. D. 5484.

SUBPART C—MANUFACTURE, TAX-PAYMENT, SALE, REMOVAL, AND REGISTRATION OF STILLS OR WORMS OR CONDENSERS

§ 181.25 *Manufacturer of stills defined.* Any person who manufactures any still or worm or condenser to be used in distilling shall be deemed a manufacturer of stills.

(53 Stat. 391; 26 U. S. C. 3254)

§ 181.26 *Special tax liability; rate of tax.* Manufacturers of stills, as to each place of manufacture, shall pay a special (occupational) tax of $55, and, in addition thereto, a special (commodity) tax of $22, for each still or worm or condenser to be used in distilling made by him, i. e., $22 for each still and $22 for each worm or condenser.

(53 Stat. 373, as amended, 388, as amended, 391, 394–396; 26 U. S. C. 3170, 3250, 3254, 3270–3272, 3278–3280)

§ 181.27 *Exemption.* Distillers in registered distilleries who manufacture wooden stills for their own use are exempted from the payment of the special taxes imposed by law upon manufacturers of stills, but they are required to give written notice to the collector of the district in which the distillery is located of each still manufactured before its use.

(53 Stat. 388, as amended; 26 U. S. C. 3250)

MANUFACTURE OF PARTS OF STILLS AND ASSEMBLING THEREOF

§ 181.28 *Parts procured from same manufacturer.* If separate parts of a complete still or worm or condenser, of any kind, are furnished by the same manufacturer to a distiller, or other person, who assembles the same into a still or worm or condenser for distilling, as defined by § 181.39, the manufacturer of the parts will incur liability to the special (occupational and commodity) taxes imposed upon manufacturers of stills.

(53 Stat. 391; 26 U. S. C. 3254)

§ 181.29 *Materials or apparatus procured and converted into distilling apparatus.* If a distiller or other person procures materials or apparatus, which are not separately subject to tax under the provisions of this part and converts same into a still or worm or condenser for distilling, as defined by § 181.39, he will incur liability to the special (occupational and commodity) taxes imposed upon manufacturers of stills.

(53 Stat. 391; 26 U. S. C. 3254)

RECONSTRUCTION OF STILLS

§ 181.30 *Repairs or alterations.* Whenever a still or worm or condenser, to be used in distilling, as defined by § 181.39, is repaired or altered by the addition of new material to such an extent as to virtually result in the construction of a new still or worm or condenser, the person making such repairs or alterations will be held liable to the special (commodity) tax of $22 for each still or worm or condenser so repaired or altered, and in addition will incur liability to the special (occupational) tax of $55 as a manufacturer of stills.

(53 Stat. 373, as amended, 388, as amended, 391, 394; 26 U. S. C. 3170, 3250, 3254, 3270–3272)

§ 181.31 *Extent of changes.* Minor structural changes made in a still or worm or condenser, such as the limited replacement of parts or the addition of new materials, which do not effect any material change in the mode of operation, character, or capacity of the distilling apparatus, will not be deemed to constitute the manufacture of a new still or worm or condenser.

(53 Stat. 391; 26 U. S. C. 3254)

§ 181.32 *Manufacturer to notify district supervisor.* Any person making such changes, repairs, or alterations of a still or worm or condenser will immediately notify the district supervisor of the district of the extent of such repairs or alterations, advising him of the quantity and cost of new materials and parts and the precise nature of the changes. If the changes, repairs, or alterations are involved or complicated, a sketch of the apparatus showing the changes or alterations should also be furnished the district supervisor for determination of tax liability. Information as to the initial cost of the construction of the apparatus should likewise be furnished the district supervisor if such is available.

(53 Stat. 391; 26 U. S. C. 3254)

§ 181.33 *Action by district supervisor.* The district supervisor will determine in each instance whether changes, repairs, or alterations of any still or worm or condenser constitute the manufacture of a new still or worm or condenser, and will in each case notify the manufacturer of his decision. In any instance where tax liability has been incurred, the district supervisor will promptly notify the appropriate collector of such tax liability. The collector will thereupon take appropriate action to collect the required special taxes. Such investigations and inspections in connection therewith will be made as the district supervisor deems necessary. In the event of doubt whether changes, repairs or alterations of any still or worm or condenser are of such nature or extent as to incur tax, the case will be referred to the Commissioner by the district supervisor, together with all the evidence available, including a sketch of the apparatus showing the extent of new materials and replacements, for a ruling.

(53 Stat. 391; 26 U. S. C. 3254)

§ 181.34 *Name plate of manufacturer on still.* Each still or worm or condenser must be identified as follows:

(a) Name of manufacturer.

(b) Address of manufacturer.

(c) Manufacturer's serial number for the article.

Such identification shall be shown by the manufacturer on a plate, securely attached to the apparatus by riveting or brazing, or be cut, by the manufacturer, by suitable die legibly and durably in the material of which the apparatus is made. The identification marks may not be covered by insulating or other material, or otherwise obscured or concealed. Such marks on stills or worms or condensers will be disclosed by the manufacturer or vendor in the notice to the collector, and in the affidavits required by §§ 181.40–181.51.

DERIVATION: T. D. 5582.

PAYMENT OF TAX

§ 181.35 *Special tax return.* Special (occupational) taxes imposed on manufacturers of stills or worms or condensers and the special (commodity) taxes on such articles will be paid by the manufacturer pursuant to the filing of a special tax return, Form 11, showing the information required by the form.

§ 181.35a *Execution of Form 11.* The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by an authorized member of the firm; and the return of a corporation shall be signed by an authorized officer thereof. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," or in the case of a corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a bankrupt, insolvent, deceased person, etc., will indicate the fiduciary capacity in which they act. When a return is signed by an agent or attorney-in-fact, his signature should be preceded by the name of the principal followed by his title. Returns signed by persons as agents will not be accepted unless they file with the collector a power of attorney, authorizing them so to act. Form 11 must be sworn to before a notary public or other official authorized to administer oaths: *Provided*, That if the form officially prescribed on such return contains therein a provision for verification by a written declaration that such return is made under penalties of perjury, such return shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required in this section for verification.

(53 Stat. 394, 63 Stat. 667; 26 U. S. C. 3270, 3272, 3809)

DERIVATION: T. D. 5582.

§ 181.36 *Special (occupational) tax.* The special (occupational) tax as manufacturer of stills is due on the 1st day of July in each year, or on commencing such trade or business. In the former case, the tax shall be reckoned for one year, and in the latter, it shall be reckoned proportionately from the 1st day of the month in which the liability to the special tax commenced, to and including the 30th day of June following. It shall be the duty of the special-tax payers to render their returns with required remittances to the collector at such times within the calendar month in which the special tax liability commenced as shall enable him to receive such returns, duly signed and verified, together with the remittances, not later than the last day of the month, except in cases of sickness or absence, as provided by section 3634, I. R. C.

§ 181.36a *Posting of stamp.* The special (occupational) tax stamp must be conspicuously posted in the establishment or place of business of the manufacturer of stills.

(53 Stat. 394, 395, 441; 26 U. S. C. 3270–3274, 3634)

DERIVATION: T. D. 5582.

§ 181.37 *Special (commodity) tax.* The special (commodity) tax on each still or worm or condenser intended for distilling is due when the manufacture thereof is completed and must be paid at the time such article is removed from the place of manufacture or at the time of being set up, if manufactured on the premises where intended to be used, by affixing to the article the special (commodity) tax stamp provided by the Commissioner. At the time of affixing such stamp it must be canceled by the manufacturer by writing across the face thereof, in permanent ink, the word "canceled" followed by the name of the manufacturer, the manufacturer's serial number of the article, and the date of cancellation.

§ 181.37a *Method of affixing stamp.* After cancellation of the stamp has been completed, the stamp shall be enclosed in a moisture proof case having a transparent face. The case, with stamp enclosed, must be secured to the article by means of screws, bolts, or rivets, or by brazing.

(53 Stat. 394, 398; 26 U. S. C. 3273, 3301)

DERIVATION: T. D. 5582.

§ 181.38 *Types of distilling apparatus subject to commodity tax.* Under the law the $22 tax is due on each still, and on each worm or condenser used as indicated in this section and not merely one tax on the unit. This means that tax is due on the beer still, and each successive still or worm or condenser through which the spirits are passed, including an intermediate or primary worm or condenser for low wines, which require doubling, with the following exceptions:

(a) A worm or condenser for the condensation of aldehydes or fusel oil only, where such aldehydes or fusel oil contain only negligible quantities of alcohol, is not subject to the $22 tax.

(b) A preheater used solely for preheating distilling material is not subject to the $22 tax.

(c) A cooler, consisting of a series of metal tubes enclosed in a water jacket or other apparatus of similar construction, used solely for reducing the temperature of hot spirits, is not subject to the $22 tax.

(d) A separator or dephlegmator, used solely for separating vapors of lower boiling points from vapors of higher boiling points, allowing the former to condense and reflux to the still, and the latter to pass forward to a worm or condenser, is not subject to the $22 tax.

(53 Stat. 388, as amended; 26 U. S. C. 3250)

§ 181.39 *"Distilling" defined.* The term "distilling" used in § 181.26 shall mean the distillation of spirits or alcohol as defined by sections 2809 (b) (1) and 3124 (a) (1), I. R. C. Such distillation shall include: (a) the original manufacture of distilled spirits from mash, wort, or wash, or any material suitable for the production of spirits; (b) the redistillation of spirits in the course of original manufacture; (c) the redistillation of spirits, or products containing spirits within the provisions of section 3254 (g), I. R. C.; (d) the distillation, redistillation, or recovery of ethyl alcohol or of completely or specially denatured alcohol, or of articles containing ethyl alcohol or completely or specially denatured alcohol; and (e) the redistillation or recovery of tax-free alcohol.

TAXABLE STATUS OF STILLS

§ 181.40 *Evidence of use.* Any still or worm or condenser (as defined by §§ 181.13 and 181.14), with the exception only of retorts for the production of wood alcohol, sold to a user by the manufacturer or otherwise disposed of or used by the manufacturer, will be presumed to be intended for use in distilling, as defined by § 181.39, unless, as to each still or worm or condenser, satisfactory evidence shall be filed, as provided in this subpart, showing that the same will not be used for distilling. Unless such evidence is filed, special (occupational) tax as manufacturer of stills will be incurred by the manufacturer and special (commodity) tax on each still or worm or condenser must be paid by the manufacturer at the time of its removal from the place of manufacture or, if manufactured on the premises where intended to be used, at the time of being set up.

DERIVATION: T. D. 5582.

§ 181.41 *Purchase by dealer.* When the purchase is made by a dealer, the same presumption stated in § 181.40 will prevail, unless the dealer furnishes the manufacturer with a sworn statement to the effect that sales will be made only for purposes other than distilling, as defined in § 181.39, and before removal of a still or worm or condenser from the dealer's premises, a sworn statement will be obtained from the user as provided in this subpart.

§ 181.42 *Successive sales between dealers.* In case of successive sales between dealers, the vendor shall, in each case, take an affidavit of similar purport from the vendee.

§ 181.43 *Sale of still for purposes other than distilling.* When a sale is made by a manufacturer or by a dealer to a person who intends to use the still other than for distilling, as defined by § 181.39 a sworn statement of the purchase must be executed in triplicate, and must show the purchaser's name and address, the purpose for which the still will be used, that it will not be used for distilling, as defined by § 181.39, the address where the still, or other distilling apparatus, will be registered, the manufacturer's serial number of the still, or other distilling apparatus, and the manufacturer's name and address. Such affidavit shall be filed with the manufacturer or vendor, as the case may be, who will retain one copy for his files and transmit two copies to the collector, as provided by § 181.49.

§ 181.44 *Use by manufacturer.* When a still or worm or condenser is manufactured by the person who intends to use the distilling apparatus for purposes other than distilling, as defined by § 181.39, a sworn statement of such person must be executed in triplicate, and must show that such distilling apparatus was manufactured by him for his own use and is not to be used for distilling, as defined by § 181.39, the purpose for which it is to be used, the address where the apparatus will be registered and used, the manufacturer's serial number of the still or worm or condenser, and the manufacturer's name and address. Such affidavits shall be filed with the collector together with the application on Form 110, as provided by § 181.47.

§ 181.45 *Use by United States.* Any still or distilling apparatus intended for use by the United States, or any governmental agency thereof, in distilling, as defined by § 181.39, may be removed by the manufacturer, subject to the application and permit prescribed by § 181.47 without payment of the commodity tax thereon. The collector will note on the permit issued in such case, the following: "Use of (inserting the name of the United States governmental agency)—No commodity tax due."

(53 Stat. 403; 26 U. S. C. 3331)

§ 181.46 *Exportation.* Stills or worms or condensers intended for purposes other than distilling as defined in § 181.39 may be removed without payment of the commodity tax for export by the manufacturer, or dealer, under the procedure prescribed by §§ 181.85–181.89.

DERIVATION: T. D. 5651.

PROCEDURE FOR REMOVAL FOR DOMESTIC USE

§ 181.47 *Application and permit for removal.* No still, boiler (doubler or pot still), worm, condenser, or other distilling apparatus, shall be removed from the premises of the manufacturer, or dealer, as the case may be, for delivery to a user, or for his own use, until the collector of the district in which the manufacturer or vendor is located has received from the manufacturer or vendor an application on Form 110, in triplicate, for permission to remove the distilling apparatus, and permit on such form has been received from such collector to re-

move the same. Such application shall disclose the name and address of the manufacturer or vendor, the approximate date the apparatus is to be removed, the name and address of the person by whom the apparatus is to be used, the purpose for which it is to be used, the type and kind of apparatus, its capacity, the manufacturer's serial number of the apparatus, and, if the apparatus is taxable, the serial number of the manufacturer's special (occupational) tax stamp and the serial number of the special (commodity) tax stamp for the apparatus. The collector issuing the removal permit shall furnish a copy of such permit to the district supervisor in whose district the apparatus is to be set up, registered and used. No distilling apparatus may be set up or used for distilling as defined by § 181.39 without application to and permit from the district supervisor in whose district the apparatus is to be used as provided in § 181.48. (See §§181.65–181.77, relative to exportation of stills with benefit of drawback, and §§ 181.85–181.89, relative to exportation free of tax).

(53 Stat. 314, 373, as amended; 26 U. S. C. 2818, 3170)

DERIVATION: T. D. 5651.

§ 181.48 *Application and permit to set up and use distilling apparatus.* Upon receipt of such distilling apparatus and before setting up the same for distilling, as defined in § 181.39, the user shall apply to the district supervisor on Part 1, Form 1609, in duplicate, for permission to set up such apparatus, specifying the type of apparatus, the capacity, the serial number thereof, the name and address of the manufacturer, the name and address of the vendor, and the purpose for which the apparatus will be used. The district supervisor shall then, if he has in his possession a copy of the permit issued by the collector for removal of the distilling apparatus from the premises of the manufacturer or vendor, issue permit on Part 2, Form 1609, authorizing the distilling apparatus to be set up by the user. Such permission will contain the stipulations: (a) That the distilling apparatus must be immediately registered when set up, as required by §§ 181.52–181.55; and (b) that all provisions of internal revenue law and regulations, as may be applicable to the class of operations to be conducted, will be complied with prior to use of such apparatus for distilling, as defined by § 181.39. Persons setting up stills for purposes other than distilling, as defined by § 181.39 are not required to obtain the permit to set up and use, but the apparatus must be registered, as provided by §§ 181.52–181.55.

(53 Stat. 308, 314, 373, as amended; 26 U. S. C. 2810, 2818, 3170)

§ 181.49 *Use of still for purposes other than distilling.* In case the distilling apparatus is to be used for purposes other than distilling, as defined by § 181.39, two copies of the required affidavit of the user must accompany the application on Form 110, filed by the manufacturer or vendor with the collector. The collector will forward one copy of the affidavit to the district supervisor of the district in which the apparatus will be set up and used, and will retain the remaining copy for his files. The copy of the affidavit retained by the manufacturer or vendor will be filed with the permit to remove the still or worm or condenser in his place of business and will be carefully preserved thereat and will be subject to examination by internal revenue officers at all reasonable hours.

(53 Stat. 314, 373, as amended; 26 U. S. C. 2818, 3170)

§ 181.50 *Collector to examine special tax records.* When the application on Form 110 discloses that the still, worm, or condenser to be removed is to be used for distilling, as defined by § 181.39, the apparatus is taxable and an affidavit covering its use is not necessary. In any such case, the collector will examine his records to determine whether the manufacturer holds an appropriate special tax stamp as a manufacturer of stills and whether the special (commodity) tax on the apparatus has been paid before the issuance of a removal permit on Form 110. The removal permit will not be issued unless it is ascertained that the special taxes have been paid.

(53 Stat. 314; 26 U. S. C. 2818)

§ 181.51 *Failure to give notice; penalty.* Failure to give the notice of intention to remove and obtain the permit to set up a still is punishable in the sum of $500, and the distilling apparatus is forfeitable to the Government.

(53 Stat. 314; 26 U. S. C. 2818)

REGISTRY OF STILLS

§ 181.52 *Registration with district supervisor.* Every person having in his possession, custody, or under his control, any still or distilling apparatus set up, shall register the same with the district supervisor of the district in which such still or distilling apparatus is located, except where such stills have heretofore been registered and no change in ownership, possession, custody, control, or location has occurred since such registry. This requirement applies to all stills (as defined by § 181.13) set up, except retorts for the production of wood alcohol and as provided by § 181.55. This registry of stills shall be made on Form 26, in triplicate, with the district supervisor. The specific information required by the instructions on Form 26 will be entered in the space provided therefor. One copy of each registration of stills on Form 26 will be retained by the district supervisor, one copy will be returned to the registrant, and the remaining copy will be forwarded immediately to the Commissioner. The approved copy of Form 26, returned to the registrant by the supervisor, shall be retained on the premises where the still is set up for examination by visiting internal revenue officers.

(53 Stat. 308, 373, as amended; 26 U. S. C. 2810, 3170)

DERIVATION: T. D. 5484.

§ 181.53 *When still is "set up."* A still will be regarded as set up and subject to registry when it is in position over a furnace, or connected with a boiler so that heat may be applied, although the worm or condenser may not be in position. These instructions as to stills set up are intended merely as illustrations and are not expected to cover all types of stills or worms or condensers requiring registration under the law.

(53 Stat. 308; 26 U. S. C. 2810)

§ 181.54 *Change in location or ownership of distilling apparatus.* In the event a user desires to remove any distilling apparatus to another location after the same has been registered, no permit therefor will be required. The user must, however, prior to removal, file Form 26 to register the apparatus "not for use" and to disclose the location to which the removal is to be made and the approximate date of such removal. After removal, no such distilling apparatus intended for use in distilling, as defined in § 181.39 may be again set up without application to and permit from the district supervisor in whose district the apparatus is to be used, as provided in § 181.48. Likewise, when a user sells or otherwise disposes of any distilling apparatus, no permit for removal, sale, or disposition thereof will be required. The user must, however, prior to disposal of such apparatus, file Form 26 with the district supervisor to register the apparatus "not for use" and to disclose the method of disposition (sale, destruction, or otherwise), the name and address of the person to whom disposed of, the approximate date the apparatus is to be removed and the purpose for which it is intended to be used. After removal, no such distilling apparatus intended for use in distilling, as defined in § 181.39, may be again set up without application to and permit from the district supervisor in whose district the apparatus is to be used, as provided in § 181.48. Where there has been a change in ownership, custodianship, control, or a removal to other premises, of any still or distilling apparatus, the person in whose possession, custody, or under whose control the still or distilling apparatus is set up must immediately register the same with the district supervisor.

(53 Stat. 308, as amended, 314, 373, as amended; 26 U. S. C. 2810, 2818, 3170)

DERIVATION: T. D. 5582.

§ 181.55 *Registration not required in certain cases.* The registration of stills and distilling apparatus is not required when set up for use by the United States or any Governmental agency thereof, other than for distilling as defined by § 181.39, or when set up at refineries for the refining of crude petroleum or the production of petroleum products and not used in the manufacture of distilled spirits.

(53 Stat. 308, as amended, 373, as amended; 26 U. S. C. 2810, 3170)

DERIVATION: T. D. 4993.

§ 181.56 *Report of illicit stills.* Internal revenue officers in reporting illicit stills must, in all cases, if possible, ascertain the name and address of the manufacturer of the still or worm or condenser and whether or not the taxes due the Government have been paid. If the officer, upon investigation, ascertains that there has not been compliance with the provisions of law and this part, respect-

ing tax-payment and removal, taxes and delinquency penalties should be asserted against the manufacturer. Every effort must be made by the officers to obtain convincing and complete evidence in such cases.

SUBPART D—EXPORTATION OF STILLS WITH BENEFIT OF DRAWBACK

§ 181.65 *Exportation.* An exportation is a severance of goods from the mass of things belonging to this country with the intention of uniting them to the mass of things belonging to some foreign country. The export character of any shipment will be determined by the intention with which it is made. The shipment assumes an export character only when destined for use in a foreign country.

(53 Stat. 388, as amended; 26 U. S. C. 3250)

§ 181.66 *Puerto Rico, Guam, American Samoa, or Virgin Islands.* Where reference is made in this part, and in the form prescribed, to exportation to a foreign country, their provisions will apply to like shipments to Puerto Rico, Guam, American Samoa, or Virgin Islands, the same as though such shipments were expressly mentioned.

(53 Stat. 388, as amended, 405, 406, as amended; 26 U. S. C. 3250, 3351, 3361)

DERIVATION: T. D. 5588.

§ 181.67 *Drawback of tax.* Under the law the allowance of drawback is restricted to the tax paid on stills "manufactured for export and actually exported." No drawback can be allowed on worms or condensers exported. Where commodity tax has been paid on stills intended for export and drawback is desired, the manufacturer shall brand such articles, make application for allowance of drawback, and deliver such articles into customs custody as provided in §§ 181.68–181.72.

(53 Stat. 388, as amended; 26 U. S. C. 3250)

DERIVATION: T. D. 5582.

§ 181.68 *Branding or marking.* Every person who manufactures stills intended for exportation will brand or stamp upon each still, and in a conspicuous place, the words "for export," followed by the serial number of the article and the manufacturer's name. When such stills are manufactured from metal plates, the words "for export" with the serial number of the article and the manufacturer's name directly thereunder, will be stamped (in letters and figures which must, in no case, be less than one-half inch in height) thereon with a suitable die, or otherwise permanently affixed to each still. Where the still is constructed of or encased in wood, the words "for export," the serial number of the article and the manufacturer's name will be branded thereon.

(53 Stat. 388, as amended; 26 U. S. C. 3250)

§ 181.69 *Request for inspection; entry for exportation; drawback claim.* After completion of the stills and before the same are removed from the place of manufacture, the manufacturer (exporter) will forward to the collector of his district Form 1610, in quadruplicate, with Parts 1 and 2 duly executed. Request for exportation and release of the stills for immediate exportation, and application for allowance of drawback, equal to the internal revenue tax paid on the stills, when actually exported, will be made in Part 1 of Form 1610. Entry for exportation of the stills and claim for drawback of the internal revenue tax paid thereon will be made and sworn to by the manufacturer (exporter) in Part 2 of the form. The stamps denoting payment of the tax must be attached to the original of the claim.

(53 Stat. 388, as amended; 26 U. S. C. 3250)

§ 181.70 *Payment of tax; inspection by deputy; certificate.* Upon the receipt of claim and entry on Form 1610, and upon the payment of the tax due, the collector will direct a deputy to proceed to the place of manufacture, and, if the stills are found to agree with those described in the form, and are properly marked or branded as required by this part, the deputy will execute the certificate in part 4 of the form. The stamp, or stamps, attached to the claim must, in the presence of the deputy, be canceled by the manufacturer by writing across the face thereof in ink the word "canceled" followed by the name of the manufacturer, the manufacturer's serial number of the apparatus, and the date of cancellation. The deputy will then release the stills for delivery to carrier or into customs custody, and will mail or deliver three copies (one the original, with the tax-paid stamps attached) of the claim and entry, Form 1610, to the collector of customs and forward the remaining copy to the collector of internal revenue.

(53 Stat. 388, as amended; 26 U. S. C. 3250)

DELIVERY OF SHIPMENT FOR EXPORT; BILL OF LADING

§ 181.71 *Place of manufacture located at the port of exportation.* The manufacturer shall deliver the shipment directly for customs inspection and supervision of lading. The drawback entry, Form 1610, must be filed with the collector of customs at least six hours prior to the lading of the stills in order to allow opportunity for customs inspection. The exporter must file a copy of the export bill of lading with the collector of internal revenue of the district in which the place of manufacture is located, for attachment to the copy of Form 1610 retained by him. The bill of lading must show the exporter as the shipper, the manufacturer's serial numbers of the stills, and the number of stills contained in the shipment.

(53 Stat. 388, as amended; 26 U. S. C. 3250)

DERIVATION: T. D. 5146.

§ 181.72 *Place of manufacture located elsewhere than at the port of exportation.* The manufacturer shall deliver the shipment either directly for customs inspection and supervision of lading or to a common carrier for transportation to the port of export. The exporter shall transmit a copy of the bill of lading covering such transportation and a copy of the export bill of lading to the collector of internal revenue, for attachment to the copy of Form 1610 retained by him. In case of exportation through a border port to contiguous foreign territory the bill of lading will show the routing, particularly the carrier which will deliver the shipment for customs inspection at the border port, and will cover transportation to the foreign destination: *Provided,* That where a through bill of lading is not obtainable, separate bills of lading covering the shipment from the place of manufacture to the border port and from the border port to the foreign destination will be procured. The bill of lading will also show that the shipment was sent in care of the collector of customs or the deputy collector of customs at the border port. One copy of the through bill of lading or of each of the separate bills of lading, as the case may be, will be transmitted by the exporter or his agent immediately by letter to the collector of internal revenue, for attachment to the copy of Form 1610 retained by him.

(53 Stat. 388, as amended; 26 U. S. C. 3250)

DERIVATION: T. D. 5146.

§ 181.73 *Inspection and lading.* The collector of customs, to whom claim and entry on Form 1610 is transmitted by the deputy collector of internal revenue, will fill in on each copy of said form the order for inspection and lading. The inspector of customs will carefully examine the stills described in the entry and he will, if he finds the articles to be otherwise than described, make a special report thereon. After having complied with the order of inspection and after the stills have been duly laden on board the exporting vessel or car, the inspector will complete and sign the certificate of inspection and lading in Part 6 of Form 1610. If the inspector discovers any evidence of fraud, he will detain the stills and notify the collector of customs, who will inform the collector of internal revenue of the district in which said port is located. The collector of internal revenue will see that seizure is made and report immediately to the Commissioner of Internal Revenue.

(53 Stat. 388, as amended; 26 U. S. C. 3250)

§ 181.74 *Certificate of exportation.* After inspection and lading and clearance for a foreign port of the vessel or car on which the stills described in the entry are laden, the collector of customs will execute the certificate of exportation on each copy of the claim and entry, Form 1610. He will retain one copy of the form for his entry record and will transmit the remaining two copies to the collector of internal revenue for the district from which the stills were shipped.

(53 Stat. 388, as amended; 26 U. S. C. 3250)

DERIVATION: T. D. 5146.

APPROVAL AND SUBMISSION OF CLAIMS

§ 181.75 *Action by collector.* The collector of internal revenue will immediately examine the two copies of the claim for drawback on Form 1610, received from the collector of customs (§ 181.74),

and if satisfied that the claim is a valid one, he will endorse his approval thereon and forward the original with the tax-paid stamps attached, to the Commissioner of Internal Revenue, attention Alcohol Tax Unit.

(53 Stat. 388, as amended; 26 U. S. C. 3250)

DERIVATION: T. D. 5537.

§ 181.76 *Action by Commissioner.* If the Commissioner finds that the claim is in order, he will approve the claim and schedule it for payment. If the claim is disallowed in whole or in part, the Commissioner will so notify the claimant and state the reasons therefor.

(53 Stat. 388, as amended; 26 U. S. C. 3250)

DERIVATION: T. D. 5537.

§ 181.77 *Penalty for fraudulently claiming drawback.* One who fraudulently claims or seeks to obtain an allowance of drawback on merchandise on which no tax has been paid, or a greater allowance of drawback than the tax actually paid, is liable to forfeiture of triple the amount claimed or $500, at the election of the Secretary of the Treasury.

(53 Stat. 402; 26 U. S. C. 3326)

SUBPART E—EXPORTATION OF DISTILLING APPARATUS FREE OF TAX

§ 181.85 *Application and entry, Form 1690.* The exporter will execute and file with the collector of internal revenue an application and entry on Form 1690, in quadruplicate, when he desires to remove for exportation, without payment of the commodity tax, a still, or worm or condenser intended for purposes other than distilling as defined in § 181.39. Each application, Form 1690, must be numbered serially commencing with number 1 and continuing in regular sequence for all applications thereafter. Parts 1 and 2 of each copy will be fully executed. A statement by the person who intends to use the distilling apparatus other than for distilling must be filed by the exporter in support of the application. The statement must show the purchaser's name and address, the purpose for which the distilling apparatus will be used, the manufacturer's serial number of the distilling apparatus, and the manufacturer's name and address. The serial number and the manufacturer's name and address may be entered on the statement by the exporter. If all required information has been furnished by the exporter, the collector of internal revenue will approve each copy of the application and entry, retain the original and return three copies to the exporter. The purchaser's statement will be retained by the collector. Upon receipt of the approved copies of the application and entry, the exporter may remove the still, worm or condenser described therein for export free of tax. If evidence of exportation (as prescribed in § 181.89) is not received by the collector of internal revenue in due course, an appropriate inquiry will be made.

DERIVATION: T. D. 5651.

§ 181.86 *Marking of stills, worms or condensers.* Stills, worms or condensers intended for exportation free of tax shall have branded or stamped thereon, in a conspicuous place, the words "for export," followed by the serial number of the article and the manufacturer's name. Where such articles are manufactured from metal plates, the words "for export," with the serial number of the article and the manufacturer's name directly thereunder, will be stamped (in letters and figures which must, in no case, be less than one-half inch in height) thereon with a suitable die, or otherwise permanently affixed to each article. Where the article is constructed of wood, the words "for export," the serial number of the article and the manufacturer's name will be branded thereon. If the article is to be exported in a shipping container, the foregoing marks must also be shown on such container in a manner which will enable ready identification by customs officers.

DERIVATION: T. D. 5651.

§ 181.87 *Delivery of shipment; bill of lading.* The exporter, upon receipt of the approved copies of the application and entry, will deliver the still, worm or condenser either to the carrier or directly for customs inspection. Two copies of the Form 1690 will be transmitted to the collector of customs. A copy of the export bill of lading shall be forwarded and filed with the collector of customs. In case of exportation through a border port to foreign contiguous territory, the bill of lading will cover transportation to destination and must show the routing, particularly the carrier which will deliver the shipment for customs inspection at the border; also, that the shipment was sent in care of the collector or deputy collector of customs at the border port.

DERIVATION: T. D. 5651.

§ 181.88 *Inspection and lading.* The collector of customs to whom the copies of Form 1690 are transmitted will fill in on each copy of the form the order for inspection and lading. The inspector of customs will carefully examine the shipment described in the entry and he will, if he finds it to be otherwise than described, make a special report thereon. After having complied with the order of inspection and after the distilling apparatus has been duly laden on board the exporting vessel or other vehicle the inspector will complete and sign the certificate of inspection and lading.

DERIVATION: T. D. 5651.

§ 181.89 *Certification of exportation.* After inspection, lading and clearance for a foreign port of the vessel or other vehicle on which the distilling apparatus described in the entry is laden, and after receipt of the export or through bill of lading, the collector of customs will execute the certificate of exportation on each copy of the entry, Form 1690. The collector of customs will retain one copy for his entry record and transmit the remaining copy of the Form 1690 to the collector of internal revenue who approved the form.

DERIVATION: T. D. 5651.

Effect. These regulations shall be effective as of April 1, 1950.

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

Approved: June 16, 1950.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50-5420; Filed, June 22, 1950; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

APPOINTMENT OF CHAPLAINS IN THE REGULAR AIR FORCE FROM THE RESERVE FORCES

Pursuant to the authority conferred by sections 207 (f) and 208 (e) of the National Security Act (61 Stat. 503, 504; 5 U. S. C. Sup., 626 (f), 626c (e)), Transfer Order 2, October 1, 1947 (12 F. R. 6736), and cited laws, the following regulation is hereby prescribed:

Sec.
861.171 Purpose.
861.172 General.
861.173 Permanent grade.
861.174 Eligibility.
861.175 Application and screening.
861.176 Screening center boards.

AUTHORITY: §§ 861.171 to 861.176 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 37, 39 Stat. 189, as amended, sec. 32, 41 Stat. 776, sec. 1, 49 Stat. 1028, as amended, sec. 4, 62 Stat. 89; 10 U. S. C. 351, 352, 353, 369, 369a.

DERIVATION: AFR 36-19.

§ 861.171 *Purpose.* The purpose of §§ 861.171 to 861.176 is to provide an opportunity for certain chaplains who are serving on extended active duty with the Air Force to apply for appointment in the Regular Air Force and to establish a system for their selection and appointment.

§ 861.172 *General.* The regulations contained in §§ 861.171 to 861.176 supplement §§ 861.101 to 861.108 (15 F. R. 3483) with respect to chaplains only. The procedure for applying the eligibility requirements, the processing system, and all other procedures and instructions contained in §§ 861.101 to 861.108 are applicable to chaplains except as otherwise provided in §§ 861.171 to 861.176.

§ 861.173 *Permanent grade.* All chaplains appointed in the Regular Air Force under the provisions of §§ 861.171 to 861.176 will be appointed in the permanent grade of first lieutenant, except that, after January 1, 1952, those chaplains who on date of appointment have completed four or more years of active Federal commissioned service in any component of the Air Force or Army of the United States subsequent to December 31, 1947, and after having attained their 21st birthday will be appointed in the permanent grade of captain.

§ 861.174 *Eligibility.* All eligibility requirements established in §§ 861.101 to 861.108 are applicable, except as modified by the following:

(a) *Education.* Each applicant must have successfully completed a minimum

of 120 semester credit hours or 180 quarter credit hours of formal undergraduate study in a recognized college or university and must have completed a minimum of 90 semester credit hours of formal graduate work in a recognized theological school.

(b) *Age.* Each applicant must not have passed his 34th birthday as of date of appointment in the Regular Air Force by more years, months, and days than he has performed active Federal commissioned service since December 31, 1947, in any component of the Air Force or Army of the United States. However, no applicant will be credited with more than five years service for this purpose.

(c) *Status.* Each applicant must be a commissioned chaplain of the United States Air Force Reserve or the Air National Guard of the United States and must be serving on extended active duty at time of application.

(d) *Ecclesiastical indorsement.* Each applicant must be able to obtain ecclesiastical indorsement for Regular appointment from the appropriate denominational agency.

§ 861.175 *Application and screening.* All actions prescribed in §§ 861.107 and 861.108 (15 F. R. 3484, 3485), are applicable and will be accomplished, except as follows:

(a) *Method of application.* Each applicant will mark his application plainly with the word "Chaplain" at the top of page one, on both copies. A certificate of satisfactory completion of the Educational Qualification Test 2CX will not be accepted in lieu of the transcript of required formal education. Further, each applicant must attach to his application a copy of a letter, forwarded by him to the appropriate ecclesiastical indorsing agency, in which he requests that ecclesiastical indorsement for appointment in the United States Air Force be forwarded direct to the Chief of Air Force Chaplains, Headquarters United States Air Force, Washington 25, D. C.

(b) *Channels of communication.* After receipt of completed screening documents and duplicate applications from screening center commanders, and after other processing, the Director of Training, Headquarters United States Air Force, will submit all completed cases to the Chief of Air Force Chaplains for recommendation prior to submission to the Director, Air Force Personnel Council, Office, Secretary of the Air Force, for final consideration. The Chief of Air Force Chaplains will refer each case to a board of chaplains for review, determination of appropriate denominational vacancy, and recommendations with respect to acceptability.

§ 861.176 *Screening center boards.* Boards of officers appointed to interview chaplains will include a minimum of one chaplain commissioned in the United States Air Force and senior in rank to the applicant.

[SEAL] E. H. NELSON,
Colonel, U. S. Air Force,
Deputy Air Adjutant General.

[F. R. Doc. 50-5401; Filed, June 22, 1950; 8:49 a. m.]

Chapter XVI—Selective Service System

[Amdt. 11]

PART 1670—RECORDS ADMINISTRATION IN FEDERAL RECORD DEPOTS

SUPPLYING INFORMATION FROM RECORDS

The Selective Service Regulations are hereby amended as follows:

1. Section 1670.13 is deleted in its entirety.

2. Amend subparagraph (1) and add a new subparagraph (20) to paragraph (b) of § 1670.31 to read as follows:

§ 1670.31 *Supplying information to Federal agencies and officials.* * * *

(b) * * *

(1) *Veterans' Administration.* The Veterans' Administration may obtain such information upon the request of (i) the Administrator, (ii) the Deputy Administrator, (iii) the Assistant Administrator for Contact and Administrative Services, (iv) the Director of Records Service, (v) a Manager of a District Office, (vi) a Director, Claims Service, District Office, or (vii) a Manager or an Adjudication Officer of a Regional Office or Center having Regional Office activities.

* * * * *

(20) *Department of Agriculture.* The Department of Agriculture may obtain such information upon the request of an Investigator, Office of Personnel.

3. Subparagraphs (7), (8), (17), (30), (33), (35), and (50) of paragraph (b) of § 1670.32 are amended to read as follows:

§ 1670.32 *Supplying information to officials and agencies of States, the District of Columbia, territories and possions of the United States.* * * *

(b) * * *

(7) *State of Connecticut.* The officials of the State of Connecticut authorized to obtain such information are (i) the Adjutant General, (ii) the Executive Director, Employment Security Division, Department of Labor and Factory Inspection, (iii) the State Treasurer, (iv) the Administrator, Veterans' Bonus Division, (v) the Executive Director and the Director of Benefits, State Employment Security Division, (vi) the Librarian and the War Records Librarian of the Connecticut State Library, (vii) the Personnel Director, the Chief of the Service Division, and the Chief of the Administrative Division, Civil Service Commission, (viii) the Commissioner, the Deputy Commissioner, and the Director of State Aid and Collections, Office of the Commissioner of Welfare, (ix) the Administrator, Soldiers', Sailors', and Marines' Fund, and (x) the Commissioner of State Police.

(8) *State of Delaware.* The officials of the State of Delaware authorized to obtain such information are (i) the Adjutant General, (ii) the Chief and the Assistant Chief of Benefits, Unemployment Compensation Commission, (iii) the State Archivist, and (iv) the Chairman and the Executive Director, Veterans' Military Pay Commission.

* * * * *

(17) *State of Kansas.* The officials of the State of Kansas authorized to obtain such information are (i) the Adjutant General, (ii) the Executive Director, Employment Security Division, (iii) the Director and the First Special Agent, Kansas Bureau of Investigation, (iv) the Director and the Assistant Director, Office of Veterans' Affairs, and (v) the Director and the Assistant Director, Division of Veterans' Affairs, Department of Social Welfare.

* * * * *

(30) *State of New Hampshire.* The officials of the State of New Hampshire authorized to obtain such information are (i) the Adjutant General, (ii) the Administrator, Unemployment Compensation Division, (iii) the Commissioner, State Department of Public Welfare, (iv) the Health Officer, State Department of Health, (v) the Superintendent, State Department of Hospitals, (vi) the State Director, State Employment Office, (vii) the Director of Probation, State Department of Probation, (viii) the Director, State Veterans' Council, (ix) the Chairman, the Secretary, and the Commissioners, State Tax Commission, and (x) the Superintendent of State Police.

* * * * *

(33) *State of New York.* The officials of the State of New York and its subdivisions authorized to obtain such information are (i) the Adjutant General, (ii) the Assistant Adjutant General, (iii) the Executive Officer of the Adjutant General's Office, (iv) the Executive Director and the Chief Investigator, Division of Placement and Unemployment Insurance, (v) the Commissioner and the Parole District Supervisors, Division of Parole, (vi) the State Director, the Deputy State Director, the Director of Research Training, the Counsel to the Division, the Special Counsel, New York City, the Area Veteran Director, Albany, the Area Veteran Director, Buffalo, and the Area Veteran Director, New York City, Division of Veterans' Affairs, (vii) the Director, Bureau of Research, Division of Housing, (viii) the Chief Inspector, Division of State Police, (ix) the Deputy Commissioner in Charge of the Division of the Treasury and the Bonus Claims Administrative Supervisor, Division of the Treasury, Department of Taxation and Finance, (x) the Deputy Commissioner for Welfare and Medical Care, Department of Social Welfare, (xi) the Assistant Commissioner, Department of Mental Hygiene, (xii) the First Deputy Industrial Commissioner and the Associate Personnel Administrator, Department of Labor, (xiii) the Senior Civil Service Investigator, State Civil Service Commission, (xiv) the District Attorney, New York County, (xv) the Chief Investigator and the Investigators, Office of the District Attorney, New York County, (xvi) the District Attorney and the Chief Assistant to the District Attorney, Queens County (xvii) the Investigator, Abandonment Bureau, Office of the District Attorney, Queens County, (xviii) the District Attorney, the Assistant District Attorney in Charge of the Homicide Division, and the Assistant District Attorney in Charge of Abandonments, Kings County, (xix) the Acting Chief Clerk, Office of the District Attorney, Kings County, (xx) the District Attorney, Bronx County, (xxi) the Dis-

trict Attorney, Richmond County, (xxii) the Director of the Manhattan Borough Office, the Director of the Bronx-Queens Borough Office, the Director of the Brooklyn-Richmond Borough Office, the Director of Children's Placement Services, and the Director of the Day Care Program, New York City Department of Welfare, (xxiii) the Commissioner, New York City Department of Hospitals, (xxiv) the Corporation Counsel, the Acting Corporation Counsel, and the Chief Clerk, New York City Department of Law, (xxv) the Special Assistant Corporation Counsel, In Charge, and the Chief Examiner of the City of New York Law Department, Torts-Trial Division, New York City Transit System, (xxvi) the Chief, Bureau of Investigation, New York City Civil Service Commission, (xxvii) the Chief Inspector, the Chief of Detectives, and the Commanding Officer of the Police Academy, New York City Police Department, (xxviii) the Executive Director of Veterans' Activities, Manhattan, and the Executive Director of Veterans' Activities, Brooklyn, New York City Veterans' Service Centers, and (xxix) the Chief of Personnel, New York City Housing Authority.

* * * * *

(35) *State of North Dakota.* The officials of the State of North Dakota and its subdivisions authorized to obtain such information are (i) the Adjutant General, (ii) the Assistant Adjutant General, (iii) the Special Assistant to the Adjutant General for Payment of Veterans' Adjusted Compensation, (iv) the Director, Unemployment Compensation Division, (v) the Commissioner of Veterans' Affairs, (vi) County Veterans' Service Officers, and (vii) the Executive Director, and the Director of the Division of Public Assistance, Public Welfare Board.

* * * * *

(50) *State of Washington.* The officials of the State of Washington authorized to obtain such information are (i) the Adjutant General, (ii) the Assistant Personnel Officer of the Adjutant General's Office, (iii) the Commissioner, Employment Security Department, (iv) the Chief, Division of Parole and Probation, (v) the Director and the Executive Assistant to the Director, Veterans' Rehabilitation Council, (vi) the Director, and the County Welfare Administrators, Department of Public Welfare, (vii) the Director of the Department of Health, and (viii) the Administrator, the Assistant Administrator, and the Chief Supervisor, Division of Veterans' Compensation, Office of the State Auditor.

(Secs. 6, 7, 61 Stat. 32; sec. 10, 62 Stat. 618; 50 U. S. C. App., Sup., 326, 327, 460)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the FEDERAL REGISTER.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

JUNE 21, 1950.

[F. R. Doc. 50-5458; Filed, June 22, 1950; 9:07 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

AIR NAVIGATION SITE WITHDRAWAL NO. 169 ENLARGED

JUNE 19, 1950.

Under and pursuant to the authority vested in the Secretary of the Interior by section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and in accordance with Departmental Order No. 2468 of August 30, 1948, paragraph 80 (iii), 13 F. R. 5181, it is ordered as follows:

1. The orders of the Secretary of the Interior of October 15, 1941, and July 13, 1942, respectively, establishing and enlarging Air Navigation Site Withdrawal No. 169, are hereby revoked.

2. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air navigation facilities, such reservation to be known as Air Navigation Site Withdrawal No. 169:

Beginning at a point at latitude 58°40'-53.155" N., longitude 156°40'20.824" W., from which point U. S. Engineers Station "Center", position established by the U. S. C. and G. S., bears S. 76°42'50.4" E., 4,448.02 feet, thence by metes and bounds:

N. 31° 10' E., 876.0 feet,
N. 0° 10' E., 700.0 feet,
N. 89° 50' W., 2,738.4 feet,
S. 77° 15' W., 2,500 feet,
N. 49° 24' E., 3,200.0 feet,
N. 40° 26' E., 5,200.0 feet,
S. 49° 24' E., 3,130.0 feet,
N. 40° 36' E., 3,140.0 feet,
East, 2,417.4 feet,
South, 1,150.0 feet,
East, 9,500.0 feet,
South, 11,000.0 feet, approximately to the North bank of Naknek River,
Northwesterly, 17,000.0 feet, approximately, following the north bank of the Naknek River to the point of beginning.

The tract described contains approximately 3,845 acres.

MARION CLAWSON,
Director.

[F. R. Doc. 50-5402; Filed, June 22, 1950; 8:49 a. m.]

[Misc. 52909]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JUNE 19, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 5 E.,
Sec. 16, N½, N½SE¼.
T. 8 S., R. 1 E.,
Sec. 14, SW¼.
T. 10 N., R. 17 W.,
Sec. 3, lots 1, 2, 3, and 4, S½N½, N½SW¼, SW¼SW¼;
Sec. 5, lots 1, 2, 3, and 4, S½N½, S½;
Sec. 7, lots 1, 2, 3, and 4, E½W½, E½;
Sec. 9;
Sec. 13, S½NE¼, NW¼NE¼, NW¼, S½;
Sec. 17;
Sec. 19, E½, E½W½.
T. 10 N., R. 18 W.,
Sec. 11, E½;
Sec. 25, NW¼NW¼, S½N½, S½;
Sec. 27, N½.
T. 11 N., R. 14 W.,
Sec. 7;
Sec. 9, SW¼;
Secs. 17, 19, and 21.
T. 11 N., R. 15 W.,
Secs. 1, 3, 5, 7, 9, 11, and 13;
Sec. 15, NE¼NE¼, NW¼NW¼, S½N½, S½;
Secs. 17, 19, 21, and 23.
T. 11 N., R. 16 W.,
Secs. 1, 11, and 13.
T. 11 N., R. 17 W.,
Sec. 31, lots 1, 2, 3, and 4, E½W½, E½.
T. 12 N., R. 13 W.,
Sec. 5;
Sec. 7, lots 1, 2, 3, and 4, SE¼NW¼, SE¼, E½SW¼;
Secs. 9, 17, 19, and 21;
Sec. 29, NE¼, E½NW¼.
T. 12 N., R. 14 W.,
Secs. 19, 23, and 25;
Sec. 27, E½, E½NW¼;
Sec. 29, NE¼NE¼, W½E½, W½;
Sec. 31, SE¼SE¼;
Sec. 33, NW¼NW¼, S½N½, S½;
Sec. 35.
T. 12 N., R. 15 W.,
Sec. 15, SE¼, SE¼SW¼;
Sec. 23, SW¼NE¼, SE¼, SE¼SW¼;
Secs. 25, 27, 29, 31, 33 and 35.
T. 12 N., R. 16 W.,
Sec. 3, lots 3 and 4, S½;
Sec. 5, lots 3 and 4, S½;
Sec. 7, lots 1, 2 and 3;
Sec. 25.
T. 13 N., R. 13 W.,
Sec. 19;
Sec. 29, N½, SW¼;
Sec. 31, lots 1, 2, 3, NE¼, E½NW¼, N½SE¼, SE¼SE¼, NE¼SW¼;
Sec. 33, SE¼.
T. 13 N., R. 14 W.,
Sec. 31.
T. 13 N., R. 15 W.,
Sec. 23, E½;
Sec. 25, W½.
T. 16 N., R. 14 W.,
Sec. 17, S½NE¼, NW¼NE¼, NE¼NW¼;
Sec. 35, E½NW¼, NE¼.
T. 16 N., R. 20 W.,
Sec. 15;
Sec. 17;
Sec. 19, lots 1, 2, 3, 4, E½W½, E½;

Sec. 21;
Sec. 23, NW¼, NW¼SW¼.
T. 19 N., R. 20 E.,
Sec. 2, E½W½.
T. 23 N., R. 10 E.,
Sec. 36.
T. 23 N., R. 11 E.,
Sec. 32, lots 1, 2, 3, 4, W½.
T. 24 N., R. 10 E.,
Secs. 16, 32 and 36.
T. 24 N., R. 22 W.,
Sec. 9;
Sec. 27, N½NE¼, SE¼NE¼, E½SE¼.
T. 30 N., R. 18 W.,
Sec. 27, SE¼.
T. 32 N., R. 11 W.,
Sec. 25, SE¼SE¼, E½SW¼SE¼.

The areas described aggregate 42,618.53 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

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

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

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

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

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

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

MARION CLAWSON,
Director.

[F. R. Doc. 50-5404; Filed, June 22, 1950; 8:49 a. m.]

[Misc. 14915]

COLORADO

RESTORATION ORDER NO. 1294 UNDER FEDERAL POWER ACT

JUNE 19, 1950.

Pursuant to the following-listed determinations of the Federal Power Commission and in accordance with Departmental Order No. 2238 (a) (16) of August 16, 1946 (11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

Determination No.	Dates and types of withdrawal	Description of lands 6th P. M., Colorado
DA-287	Power Site Reserve No. 81 of July 2, 1910, Power Project No. 625 of July 7, 1925.	T. 3 S., R. 73 W., sec. 30 (unsurveyed), NW¼NW¼NW¼ and W½SW¼NW¼ NW¼, containing approximately 15 acres.
DA-289	Power Site Classification No. 92 of Apr. 3, 1925.	T. 7 S., R. 88 W., sec. 28, lot 25, containing 5 acres.

As to determination DA–289, the restoration is made subject to the stipulation that, if and when the land is required wholly or in part for purposes of power development, any structures or improvements placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with the power development without expense to the United States, its permittees or licensees.

The lands described shall be subject to application by the State of Colorado for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

The tract in T. 3 S., R. 73 W. is primarily suitable for millsite purposes, and that in T. 7 S., R. 88 W., is primarily suitable for homesite purposes.

No application for these lands may be allowed under the homestead, small-tract, desert-land laws, or any other nonmineral public-land laws unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 91st day after the date of publication. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

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

filed under this paragraph after 10:00 a. m. on the said 91st day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 181st day after the date of publication, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 181st day after the date of publication, shall be treated as though filed simultaneously at the hour specified on such 181st day. All applications filed thereafter shall be considered in the order of filing.

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

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

Inquiries concerning these lands shall be addressed to the Land Office, Denver, Colorado.

MARION CLAWSON,
Director.

[F. R. Doc. 50-5405; Filed, June 22, 1950; 8:50 a. m.]

[Misc. 55927]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JUNE 19, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 1 S., R. 1 W.,
Sec. 16, W½;
Sec. 32, S½.
T. 1 S., R. 4 W.,
Sec. 36,
T. 2 S., R. 1 W.,
Sec. 32,
T. 6 S., R. 4 W.,
Sec. 36, SE¼NE¼,
T. 8 N., R. 16 W.,
Secs. 16 and 36;
Sec. 32, N½, SE¼, N½SW¼, SE¼SW¼.

The areas described aggregate 3,840 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

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

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

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

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

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

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

MARION CLAWSON,
Director.

[F. R. Doc. 50-5403; Filed, June 22, 1950; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR, Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportwear and Other Odd Outerwear, Rainwear, Robes

and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations (29 CFR, 522.160 to 522.165; as amended, January 25, 1950 (15 F. R. 399)).

Ambra Manufacturing Co., 911 Center Street, Freeland, Pa., effective 6-12-50 to 7-25-50; 10 percent or 10 learners (sport shirts).

Best Maid Apparel Co., 527 Main Street, Moosic, Pa., effective 6-12-50 to 7-25-50; 10 percent or 10 learners (children's dresses).

Emmaus Pajama Co., Inc., 159 Ridge Street, Emmaus, Pa., effective 6-12-50 to 7-25-50; 10 percent or 10 learners (men's and boys' pajamas).

Fiesta Sportswear, Inc., 1423 South Twenty-eighth Street, Phoenix, Ariz., effective 6-9-50 to 7-25-50; 10 percent or 10 learners (blouses, skirts, etc.)

Henlein Bros. Co., Ltd., Blanchester, Ohio, effective 6-8-50 to 7-25-50; 10 percent or 10 learners (custom-made shirts).

Hindel Manufacturing Co., 412 Davis Street, Hazlehurst, Ga., effective 6-9-50 to 7-25-50; 10 percent or 10 learners (ladies' and children's underwear).

Kings Dresses, 519 Broadway, Kingston, N. Y., effective 6-10-50 to 7-25-50; 10 percent or 10 learners (housecoats, dresses, etc.).

Laredo Manufacturing Co., Inc., 1308 Lincoln Street, Laredo, Tex., effective 6-9-50 to 7-25-50; 30 learners for expansion (children's dresses).

Leo Dress Co., 1372 South Main Street, Port Griffith, Pittston, Pa., effective 6-12-50 to 7-25-50; 10 percent or 10 learners (dresses).

M. K. Dress Co., 105 Corner Street, Dunmore 12, Pa., effective 6-9-50 to 7-25-50; 10 percent or 10 learners (children's dresses).

Maiden Form Brassiere Co., Inc., 5 Sussex Avenue, Morristown, N. J., effective 6-9-50 to 7-25-50; 25 learners for expansion (brassieres).

Maryland Pants Contractors, 322 West Baltimore Street, Baltimore 1, Md., effective 6-9-50 to 7-25-50; 10 percent or 10 learners (men's trousers).

Nicholson Textile Corp., Main Street, Nicholson, Pa., effective 6-10-50 to 7-25-50; six learners for expansion (ladies' dresses, underwear, etc.).

Pelham Sportswear Co., Brown and South James Streets, Peekskill, N. Y., effective 6-10-50 to 7-25-50; 10 percent or 10 learners (dresses and sportswear).

Prairie Manufacturing Co., 106 South Washington Avenue, East Prairie, Mo., effective 6-9-50 to 7-25-50; 30 learners for expansion (jeans and work pants).

R & M Manufacturing Corp., 100 Water Street, Leominster, Mass., effective 6-1-50 to 7-25-50; 10 percent or 10 learners (ladies' pajamas).

Sam Alaimo Dress Co., 47-49 East Railroad Street, Pittston, Pa., effective 6-12-50 to 7-25-50; 10 percent or 10 learners (dresses).

Sharon Apparel Co., Inc., Rear 144-148 East Blaine Street, McAdoo, Pa., effective 6-8-50 to 7-25-50; 10 learners for expansion (dresses).

John W. Shaw Co., Inc., 220 North Chicago Street, Lincoln, Ill., effective 6-12-50 to 7-25-50; 10 percent or 10 learners (dresses).

W. Shanhouse Sons, Inc., Hope, Ark., effective 6-10-50 to 7-25-50; 21 learners for expansion (men's and boys' outerwear).

Streamline Garment Co., 316 South Thirty-second Street, Mattoon, Ill., effective 6-10-50 to 7-25-50; 10 percent or 10 learners (women's dresses and sportswear).

Sunbury Overall Co., Inc., 303 North Second Street, Sunbury, Pa., effective 6-9-50 to 7-25-50; 12 learners for expansion (work clothing and sportswear).

Toyland Togs Co., 79 Essex Street, Boston, Mass., effective 6-8-50 to 7-25-50; 10 percent or 10 learners (kiddy dresses and playtogs).

Union Manufacturing Co., 1101 Hampshire Street, Quincy, Ill., effective 6-12-50 to 12-12-50; 10 percent or 10 learners, machine operator (except cutting), 320 hours, 60 cents per hour (men's work clothing).

Weldon Manufacturing Co., Dushore, Pa., effective 6-8-50 to 7-25-50; four learners for expansion (men's cotton pajamas).

Whitehouse Manufacturing Co., Three Rivers, Mich., effective 6-10-50 to 7-25-50; five learners for expansion (washable service apparel).

Wilson Bros., 1000 Layne Ave., Crawfordsville, Ind., effective 6-12-50 to 7-25-50; 30 learners for expansion (men's sport shirts).

Cigar Learner Regulations (29 CFR 522.201 to 522.211; as amended January 25, 1950 (15 F. R. 400)).

General Cigar Co., Inc., Fifth and Hickory Streets, Mount Carmel, Pa., 180 learners; effective 6-5-50 to 12-4-50; cigar machine operators, 160 hours, 60 cents per hour; packers, 160 hours, 60 cents per hour; machine strippers, 160 hours, 60 cents per hour.

Glove Learner Regulations (29 CFR 522.220 to 522.222; as amended January 25, 1950 (15 F. R. 400)).

Thomas Donlon Glove Shop, Herkimer, N. Y., effective 5-2-50 to 7-24-50; five learners.

Hosiery Learner Regulations (29 CFR 522.40 to 522.51; as revised January 25, 1950 (15 F. R. 283)).

Acca Hosiery Mills, Henderson, N. C., effective 6-6-50 to 6-5-51; five learners.

Cambridge Woolen Mills, Cambridge, Minn., effective 6-5-50 to 6-4-51; four learners.

Kernstown Hosiery Mill, Winchester, Va., effective 6-1-50 to 5-31-51; eight learners.

Lee Hosiery Mill, Inc., Landrum, S. C., effective 5-31-50 to 5-30-51; three learners.

Mayfair Hosiery Co., Inc., Perkasie, Pa., effective 6-5-50 to 6-4-51; five learners.

Nu-Vogue Hosiery Mills, Inc., 232 West Harden Street, Graham, N. C., effective 5-31-50 to 5-30-51; two learners.

Knitted Wear Learner Regulations (29 CFR 522.68 to 522.79; as amended January 25, 1950 (15 F. R. 398)).

Ashland Knitting Mills, Front and Chestnut Streets, Ashland, Pa., effective 3-1-50 to 7-25-50; 5 percent learners.

Independent Telephone Learner Regulations (29 CFR 522.82 to 522.93; as amended January 25, 1950 (15 F. R. 398)).

Mutual Telephone Co., Manchester, Ga., effective 6-5-50 to 6-4-51.

Red Jacket Telephone Co., Shortsville, N. Y., effective 6-5-50 to 6-4-51.

Wamego Telephone Co., Wamego, Kans., effective 6-1-50 to 5-31-51.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Acme Manufacturing Co., 1015 Northwest Fifth Street, Oklahoma City, Okla., effective 6-2-50 to 12-1-50; one learner; venetian blind assembler, 160 hours, 60 cents per hour (venetian blinds).

Advance Manufacturing Co., Mount Vernon, Ind., effective 6-12-50 to 7-25-50; nine learners; sewing machine operator, 240 hours, 55 cents per hour (plastic rainwear).

AuSable Souvenir Works, Frederic, Mich., effective 6-7-50 to 12-6-50; eight learners; assembler, 160 hours, 65 cents per hour (souvenirs).

Ballerina Manufacturing Co., Malone, N. Y., effective 6-6-50 to 10-5-50; 15 learners; cutting, springing, assembling and ending, 320 hours, 60 cents per hour (expansion chain).

Champion Bedding Co., Inc., Lynn, Mass., effective 6-5-50 to 12-4-50; three learners; sewing machine operator, 480 hours, 65 cents per hour (mattresses, box springs, etc.).

Cleveland Coat Front Co., 1220 West Sixth Street, Cleveland, Ohio, effective 6-12-50 to 12-12-50; one learner; machine operator (except cutting), 480 hours, 240 hours at not less than 60 cents per hour and 240 hours at not less than 65 cents per hour (canvas coat fronts).

Henry G. Frey & Co., 207 East State Street, Fremont, Ohio, effective 6-6-50 to 12-5-50; six learners; sewing machine operator and assembler, 160 hours, 62½ cents per hour (toys).

Holmes Manufacturing Co., Inc., Conley, Ga., effective 6-7-50 to 12-6-50; three learners; weavers, 420 hours, stuffers, 420 hours, sewing machine operators, 420 hours, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 100 hours (toys).

Mechanics Upholstery Co., Inc., Worcester, Mass., effective 6-6-50 to 12-5-50; one learner; outsider (upholsterer) 480 hours, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (upholstered furniture).

National Furniture Manufacturing Co., Inc., Wellington, Kans., effective 6-5-50 to 12-4-50; two additional learners; sewing machine operators, 480 hours, 65 cents for the first 320 hours and 70 cents for the remaining 160 hours (furniture).

National Light Weight Frame, Inc., Fair Haven, Vt., effective 6-6-50 to 12-5-50; 10 learners; moulding machine operators, 320 hours, embossing machine operators, 320 hours, punch press operators, 320 hours, assemblers, 320 hours, miter cutters, 320 hours, 60 cents for the first 160 hours and 65 cents for the remaining 160 hours (fiber advertising forms).

Ostler Candy Co., Salt Lake City, Utah, effective 6-8-50 to 12-7-50; two learners; candy dippers only, 240 hours, 60 cents per hour (candy).

Pennsylvania Illuminating Corp., 920 North Washington Avenue, Scranton 9, Pa., effective 6-1-50 to 11-31-50; two learners; mounting machine operator, 240 hours, 60 cents per hour (incandescent lamps).

Philip Sewing Co., Manville, R. I., effective 6-5-50 to 12-4-50; five learners; stitcher, 240 hours, 60 cents per hour (doll clothing).

Princess Lamp Shade Manufacturing, 1144 West Superior Street, Chicago, Ill., effective 5-29-50 to 11-28-50; three learners; lamp shade hand sewers, 200 hours, 60 cents per hour (lamp shades).

Virginia-Lee Furniture Corp., Farmville, Va., effective 6-6-50 to 12-5-50; three learners; furniture assembler, 320 hours, finishers and sanders, 320 hours, woodworking machine operators, 480 hours, furniture assemblers and finishers and sanders 60 cents per hour; woodworking machine operator 320 hours at 60 cents an hour the remaining 160 hours at 65 cents (furniture).

Mrs. Wildner's Embroidery Shop, Waco, Tex., effective 6-5-50 to 12-4-50; four learners; embroidery machine operator, 160 hours, chenille operator, 640 hours, finisher, 320 hours, embroidery machine operators, 60 cents an hour; chenille operator, 60 cents for first 320 hours and 65 cents for remaining 320 hours; finishers, 70 cents an hour (sports emblems, related products).

Each certificate has been issued upon the employer's representation that employment of learners at subminimm rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of

these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 16th day of June 1950.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 50-5412; Filed, June 22, 1950; 8:51 a. m.]

ATOMIC ENERGY COMMISSION

Patent Compensation Board

[Docket No. 9]

SVEN LINDEQUIST

NOTICE OF APPLICATION

Notice is hereby given that Sven Lindequist has filed an application before the Patent Compensation Board, United States Atomic Energy Commission for an award. The application is based on a number of items listed by the Applicant as follows: (1) Machinery for Producing Energy from Atomic Radiation, (2) Inexpensive Atomic Bomb System Lindequist, (3) Depth Bombing, System Lindequist, (4) Atomic Bomb, System Lindequist, called No. 2, and (5) Atomic Bomb, System Lindequist, called No. 3.

The application of Sven Lindequist is on file with the Patent Compensation Board. Any person other than the applicant desiring to be heard with reference to the application should file with the Patent Compensation Board, United States Atomic Energy Commission, Washington 25, D. C., within thirty days from the date of publication of this notice, a statement of facts concerning the nature of his interest.

SARAH K. GRANDSTAFF,
Acting Clerk,
Patent Compensation Board.

JUNE 13, 1950.

[F. R. Doc. 50-5355; Filed, June 22, 1950; 8:48 a. m.]

[Docket No. 10]

JAMES BLISS MACLEAN

NOTICE OF APPLICATION

Notice is hereby given that James Bliss MacLean has filed an application before the Patent Compensation Board, United States Atomic Energy Commission, for just compensation or grant of an award. The application is based on a report entitled "Process and Apparatus for Generating Electric Power from Fissionable Material".

The application of James Bliss MacLean is on file with the Patent Compensation Board. Any person other than the applicant desiring to be heard with reference to the application should file with the Patent Compensation Board, United States Atomic Energy Commission, Washington 25, D. C., within thirty days from the date of publication of this notice, a statement of facts concerning the nature of his interest.

SARAH K. GRANDSTAFF,
Acting Clerk,
Patent Compensation Board.

JUNE 13, 1950.

[F. R. Doc. 50-5356; Filed, June 22, 1950; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3719 et al.]

PIONEER AIR LINES, INC., ET AL.; PIONEER CERTIFICATE RENEWAL CASE

NOTICE OF ORAL ARGUMENT

In the matter of the renewal and amendment of the temporary certificate of public convenience and necessity for route No. 64 held by Pioneer Air Lines, Inc., and the temporary suspension, in part, of the certificates of public convenience and necessity for route No. 29 held by Continental Air Lines, Inc., for route No. 9 held by Braniff Airways, Inc., and for route No. 4 held by American Airlines, Inc.

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 matter is assigned to be held on July 17, 1950, at 10:00 a. m., d. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 19, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-5414; Filed, June 22, 1950; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-585]

ALABAMA-TENNESSEE NATURAL GAS CO.

NOTICE OF ORDER ALLOWING INTERIM TARIFF TO TAKE EFFECT

JUNE 19, 1950.

Notice is hereby given that, on June 16, 1950, the Federal Power Commission issued its order entered June 15, 1950, allowing interim tariff to take effect in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5406; Filed, June 22, 1950; 8:50 a. m.]

[Docket No. G-1408]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

JUNE 19, 1950.

Take notice that on June 5, 1950, Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business in Owensboro, Kentucky, filed an application, and an amendment thereto on June 13, 1950, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, seeking authorization to install and operate 5,460 additional horsepower in existing compressor stations, consisting of a 1,500-horsepower unit in Applicant's Station No. 7 and one 1,320-horsepower unit in each of Applicant's Stations Nos. 8, 9, and 10, in order to furnish reasonable standby horsepower in its compressor stations in the northern part of its main pipeline system, to construct a new 4,500-horsepower compressor station to be located between Applicant's existing compressor Stations Nos. 10 and 11; and to transport for Texas Eastern Transmission Corporation from the existing point of connection near Lisbon, Louisiana, of the facilities of Applicant and Texas Eastern to the existing point of connection between the facilities of said companies near Lebanon, Ohio, (i) up to 60,000,000 cubic feet of natural gas per day for a period beginning with the date of first delivery under its transportation agreement with Texas Eastern and continuing until November 1, 1951, or until Texas Eastern shall have completed certain new facilities for which it has applied for authorization to construct and operate, in Docket No. G-1012, whichever is earlier, and (ii) up to approximately 34,000,000 cubic feet of natural gas per day for the period from November 1, 1951, to November 1, 1952, or until Texas Eastern shall have completed certain new facilities for which it has applied to the Federal Power Commission for authority to construct in Docket G-1012, whichever is earlier.

The total estimated cost of the construction will approximate $2,108,887. Such cost will be financed with funds on hand and currently accruing from operations, together with funds from short term bank loans to be repaid from future operations.

Protests of petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 7th day of July 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5407; Filed, June 22, 1950; 8:50 a. m.]

[Docket No. G-1410]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

JUNE 16, 1950.

Take notice that on June 5, 1950, Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business in Owensboro, Kentucky, 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 the following described facilities:

1. Two 20-inch O. D. x ½-inch wall steel submarine pipelines from the exist-

ing 26-inch header on the west side of the Mississippi River in the State of Arkansas, to the existing 26-inch header on the east side of the Mississippi River in the State of Mississippi, a distance of approximately 3.4 miles;

2. Approximately one mile of 26-inch pipeline beginning at the west header of the 26-inch pipeline crossing (tieing in to the two proposed 20-inch submarine river lines and the three 16-inch existing submarine lines) and extending to a point on the 18-inch pipeline system where it will tie in to both 18-inch pipelines;

3. Approximately 0.93 mile of 26-inch pipeline beginning at the east header of the Mississippi River crossing on the 26-inch line (tieing in to the two proposed 20-inch lines and the three existing 16-inch submarine lines) and extending to a point on the 18-inch pipeline system where it will tie in to both 18-inch pipelines.

Applicant seeks, pending final disposition of its application, an emergency certificate, authorizing the construction and operation of the above-described facilities and states that such facilities are required due to the failure during the early spring of 1950 of four of Applicant's submarine pipeline crossings under the Mississippi River near Greenville, Mississippi. The application further states that it is "imperative that Applicant install additional river crossing capacity to insure against the peril of failure of one or more of the existing lines and also eliminate the excessive pressure drop at said river crossing."

The total estimated cost of the proposed construction will approximate $1,457,959. The cost of such facilities will be financed from funds on hand and currently accruing from operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 7th day of July 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5408; Filed, June 22, 1950; 8:50 a. m.]

[Docket No. G-1415]

SOUTHEASTERN MICHIGAN GAS CO.

NOTICE OF APPLICATION

JUNE 16, 1950.

Take notice that Southeastern Michigan Gas Company (Applicant), a Michigan corporation, address Port Huron, Michigan, filed on June 8, 1950, an application pursuant to section 7 of the Natural Gas Act, as amended, for (1) an order directing Panhandle Eastern Pipe Line Company (Panhandle) to establish physical connection of its transportation facilities with the faciilties of the Applicant and to sell natural gas to the Applicant, and (2) a certificate of public convenience and necessity authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

In the application it is stated that Applicant has contracted to purchase from The Detroit Edison Company, on or before October 31, 1950, all of the properties, facilities and franchises now owned by the latter in the production, distribution and sale of manufactured gas in municipalities and unincorporated areas in the counties of Macomb and St. Clair, Michigan, among which are the municipalities of Port Huron, Marine City, St. Clair, Marysville, Romeo, Richmond and New Baltimore, and contemplates the conversion of the system from manufactured gas to natural gas. Subject to obtaining the order requested under section 7 (a) of the Natural Gas Act, the Applicant proposes to obtain its supply of natural gas from Panhandle.

In order to receive natural gas from Panhandle and to transport such gas to the territory proposed to be served, Applicant proposes to construct and operate a 12¾-inch pipeline approximately 55 miles in length extending from Panhandle's existing 12-inch line at or near Clawson, Oakland County, Michigan to Marysville, St. Clair County, Michigan. The proposed pipeline will have a maximum delivery capacity of approximately 20,000 Mcf per day. Applicant estimates that during the first year of operation after conversion to natural gas the maximum day demand will be 5,000 Mcf.

The estimated cost of the proposed facilities is $1,402,632. The proposed financing includes the issuance of bonds, debentures, preferred and common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of July 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5409; Filed, June 22, 1950; 8:50 a. m.]

[Docket No. G-1417]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

JUNE 16, 1950.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, address 1221 Baltimore Avenue, Kansas City 6, Missouri, filed on June 9, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of a meter, necessary measuring and pressure regulating equipment, and a physical connection between its facilities and a pipeline which Ford Motor Company (Ford) will construct, or have constructed, for the purpose of accomplishing the delivery of natural gas for industrial uses in Ford's plant located in Dearborn, Michigan. The physical connection of facilities is proposed to be established at a point on Applicant's pipeline mutually agreed upon by the parties.

Applicant proposes to deliver to Ford through the facilities above described "natural gas in quantities such as Seller (Applicant) may from time to time have available for sale to Buyer (Ford) and Buyer may from time to time desire to purchase and receive from Seller."

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of July 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-5410; Filed, June 22, 1950; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 30600]

NEW JERSEY INTRASTATE COMMUTATION FARES [1]

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 5th day of June A. D. 1950.

It appearing, that in the order dated June 5, 1950 (15 F. R. 3975), in these proceedings, the paragraph set forth below was inadvertently omitted from said order:

It is ordered, That the said order be, and it is hereby, amended by inserting the following paragraph between the fifth and sixth paragraphs of said order:

It further appearing, that the fares complained of in said petition in I. & S. Docket No. 5655 yield only 1.34 cents per mile per ride, reflect a cumulative increase over 1946 of only 37 percent as compared with 55 percent between New York, N. Y., and representative intermediate points on the line of respondent The Pennsylvania Railroad Company, are still far below the cost of the service, and are key rates in that respondent's interzone fare structure; that supplemental fares apply between Pennsylvania Station, New York, and said intermediate points but not between said station and Trenton, N. J.; that the service which the Trenton commuters receive is by high-speed electric trains with many deluxe appointments not found on the ordinary commuter train; and that the reasons set forth in said petition do not constitute sufficient grounds for the action requested;

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-5413; Filed, June 22, 1950; 8:51 a. m.]

[1] This order embraces also the proceedings listed in footnote 1 of the report in New Jersey-New York Commutation Fares, 277 I. C. C. 459, namely, I. & S. Dockets Nos. 5637, 5652, 5655, 5663, 5668, and 5679.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2408]

REPUBLIC SERVICE CORP. ET AL.

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 June A. D. 1950.

In the matter of Republic Service Corporation, Greencastle Light, Heat, Fuel, and Power Company, Mercersburg, Lehmasters and Markes Electric Company, Fulton Electric Light, Heat & Power Company; File No. 70-2408.

Notice is hereby given that Republic Service Corporation ("Republic"), a registered holding company, and three of its public utility subsidiary companies, Greencastle Light, Heat, Fuel, and Power Company ("Greencastle"), Mercersburg, Lehmasters and Markes Electric Company ("Mercersburg"), and Fulton Electric Light, Heat & Power Company ("Fulton"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935. Sections 6, 9, 10, and 12, and Rules U-42, U-43, and U-45 have been designated as being applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 29, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said joint application-declaration, as filed or as amended, which he desires to controvert; or he 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 June 29, 1950, said joint application-declaration, as filed or as amended, may be granted or 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 (a) and U-100 thereof.

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

Greencastle, Mercersburg, and Fulton are Pennsylvania corporations doing business within the State of Pennsylvania. They are wholly-owned subsidiaries of Republic, and their sole outstanding indebtedness (other than current items) consists of open-account advances from the parent company.

Republic proposes to make capital contributions to Mercersburg and Fulton, of amounts due Republic on open account, in the sums of $236,300 and $138,626, respectively, subject to certain adjustments. Republic further proposes to sell and Greencastle proposes to acquire all the capital stocks, of Mercersburg and Fulton, presently owned by Republic, for the cash amounts of $593,027.64 and $258,192.89, respectively, subject to certain adjustments.

Upon acquisition of such capital stocks by Greencastle, a merger will be effected whereby Greencastle will acquire the assets and assume the liabilities of Mercersburg and Fulton. The capital stocks of Mercersburg and Fulton will thereupon be cancelled and the two companies will be dissolved.

In connection with the foregoing transactions Greencastle and Republic propose to take the following additional steps:

1. Greencastle will change its name to Cumberland Valley Electric Company (Greencastle will hereinafter be referred to as "Cumberland").

2. Cumberland will issue and sell $600,000 principal amount of 3¼ Percent First Mortgage Bonds, due 1970, and $100,000 principal amount of 3½ Percent Serial Notes, due $10,000 each year 1951 to 1960, inclusive, to John Hancock Mutual Life Insurance Company, at the principal amount thereof.

3. Cumberland will increase its authorized capital stock from 10,000 shares of common stock, par value $10 per share, to 50,000 shares of common stock, par value $10 per share; and will issue and sell, and Republic will purchase, 27,500 additional shares of such common stock for $275,000.

4. Of the aggregate of $975,000 to be received by it from the sales of securities referred to above, Cumberland will (a) deposit $100,000 with the Trustee under its new bonds, to be subsequently withdrawn against new construction, (b) pay Republic the adjusted price of $850,000 (see paragraph 5 below) for the stocks of Mercersburg and Fulton, and (c) use the balance of $25,000 for expenses of the proposed transactions and for working capital.

5. After giving effect to the amounts payable to Republic by Cumberland in respect of the latter's purchase of the stocks of Mercersburg and Fulton, Republic will contribute to Cumberland all sums owed it by Cumberland in excess of $850,000.

6. Of the $850,000 to be received by it from Cumberland, Republic will use $575,000 to pay and discharge its presently outstanding $425,000 principal amount of secured notes, and $150,000 principal amount unsecured note due July 1, 1950; and will use the balance of $275,000 to purchase 27,500 shares of Cumberland's common stock, as described in paragraph 3 above.

Republic requests that in the event the transactions described above are not consummated by July 1, 1950, the Commission enter an order permitting Republic to extend the maturity of its $150,000 unsecured note due July 1, 1950, for a period of thirty days.

The joint application-declaration states that it is necessary to secure the approval of the Pennsylvania Public Utility Commission with respect to the proposed transactions in so far as they affect Cumberland, Mercersburg and Fulton. The fees and expenses in connection with the proposed transactions are estimated in the filing to amount to $14,500, of which $10,500 represents estimated fees for legal services.

Notice is further given that at any time after June 29, 1950, the Commission may, if it deems such action necessary and appropriate, enter an order granting Republic permission to extend its outstanding unsecured note of $150,000 due July 1, 1950, for a period of thirty days or such other period as the Commission may deem to be warranted in the premises.

By the Commission.

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

[F. R. Doc. 50-5416; Filed, June 22, 1950; 8:51 a. m.]

[File Nos. 70-2411—70-2414]

UNITED GAS IMPROVEMENT CO. ET AL.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

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

In the matters of The United Gas Improvement Company, Lancaster County Gas Company, File No. 70-2411; The United Gas Improvement Company, The Harrisburg Gas Company, File No. 70-2412; The United Gas Improvement Company, Consumers Gas Company, File No. 70-2413; The United Gas Improvement Company, Allentown-Bethlehem Gas Company, File No. 70-2414.

The United Gas Improvement Company ("UGI"), a registered holding company and its public utility subsidiaries, Lancaster County Gas Company ("Lancaster"), The Harrisburg Gas Company ("Harrisburg"), Consumers Gas Company ("Consumers") and Allentown-Bethlehem Gas Company ("Allentown"), having filed joint declarations pursuant to section 12 of the Public Utility Holding Company Act of 1935, with respect to the following transactions:

UGI proposes to advance an amount not in excess of $1,350,000 to Allentown, $445,000 to Consumers, $1,090,000 to Harrisburg, and $325,000 to Lancaster. Said advances will be made on open book account from time to time on or before December 31, 1950, and will bear interest at the rate of 3¼ percent per annum on the amounts actually advanced.

The proceeds of said advances are to be used as temporary financing of the construction program of the respective subsidiaries, including the construction of facilities for receiving and reforming natural gas.

Such joint declarations having been duly filed, 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 request for hearing with respect to said joint declarations within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that no adverse findings are necessary with respect to the joint declarations, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint declarations be permitted to become effective, and deeming it appropriate to grant the requests of declarants that the order become effective at the earliest date possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-23, that the joint declarations be, and the same hereby are, permitted to become effective forthwith.

By the Commission.

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

[F. R. Doc. 50-5417; Filed, June 22, 1950; 8:51 a. m.]

[File No. 70-2415]

NATIONAL FUEL GAS CO. ET AL.

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 June 1950.

In the matter of National Fuel Gas Company, United Natural Gas Company, Ridgeway Natural Gas Company, St. Marys Natural Gas Company, Smethport Natural Gas Company, Mercer County Gas Company; File No. 70-2415.

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 National Fuel Gas Company ("National"), a registered holding company, and its wholly owned utility subsidiaries, United Natural Gas Company ("United"), Ridgeway Natural Gas Company ("Ridgeway"), St. Marys Natural Gas Company ("St. Marys"), Smethport Natural Gas Company ("Smethport") and Mercer County Gas Company ("Mercer"). Applicants-declarants designate sections 6, 7, 9, 10 and 12 of the act and Rules U-42, U-43 and U-44 of the general rules and regulations promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than June 29, 1950, at 5:30 p. m., e. d. 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 June 29, 1950, said joint 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 transaction as provided in Rule 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 Commission for a statement of the transaction therein proposed which is summarized as follows:

United, Ridgeway, St. Marys, Smethport and Mercer propose to enter into an Agreement for Consolidation and Merger and merge their respective properties and operations into one public utility company to be known as United Natural Gas Company. To effectuate the merger National will exchange the common stocks of the merging companies for new common stock to be issued by United having a stated value equal to $25 per share which is the stated value of the present United common stock. These companies operate in adjoining areas of Pennsylvania and it is stated that their merger will simplify the holding company system of which these companies are a part and effect economies by reducing operating expenses.

Prior to the proposed merger, it is proposed that Mercer pay a dividend to National of all its "paid in" surplus in the amount of $3,707.48 to obviate the necessity for the merged company to carry a "paid in" surplus account.

It is further proposed prior to the proposed merger that Ridgeway, St. Marys and Smethport each repurchase from National a portion of the shares of their own common capital stock at the par value thereof of $100 per share and cancel the same, it being stated that these companies have larger amounts of working capital than have been needed or will be required by the merged company. Ridgeway proposes to repurchase and cancel 8,330 shares for a consideration of $833,000 and leave outstanding 16,040 shares; St. Marys proposes to repurchase and cancel 3,550 shares for a consideration of $355,000 and leave outstanding 10,000 shares; Smethport proposes to repurchase and cancel 1,200 shares for a consideration of $120,000 and to leave outstanding 2,800 shares.

National proposes to use the $1,311,707.48 cash received from the foregoing transactions for general corporate purposes, including the reduction of current bank loans and loans to its subsidiaries when the latter shall have been authorized by this Commission.

National states that the proposed merger is subject to the jurisdiction of the Public Utility Commission of Pennsylvania and that the transactions proposed to be effected prior to the merger are not subject to such jurisdiction. National has requested that an interim order of this Commission be entered with respect to the transactions proposed to be effected prior to the merger.

By the Commission.

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

[F. R. Doc. 50-5418; Filed, June 22, 1950; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

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

[Vesting Order 14742]

SHIROKIEHI KANAI

In re: Stock owned by Shirokiehi Kanai. D-39-19289-D-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 Shirokiehi Kanai, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Thirty-one (31) shares of $100.00 par value 6% cumulative First Preferred capital stock of Portland Electric Power Company, 621 S. W. Alder St., Portland, Oregon, a corporation organized under the laws of the State of Oregon, evidenced by certificate numbered PO499, registered in the name of Shirokiehi Kanai, and presently in the custody of Miss Miyo Ruth Tajima, 306 South Mathews, Urbana, Illinois, together with all declared and unpaid dividends thereon, and any and all rights to receive shares of common capital stock of Portland General Electric Company under a Plan of Reorganization approved June 29, 1946, and

b. Fifty-one sixtieths (51/60) share of $100.00 par value 7.2% cumulative First Preferred capital stock of Portland Electric Power Company, 621 S. W. Alder St., Portland, Oregon, evidenced by certificate numbered FPO803, registered in the name of Shirokiehi Kanai, together with all declared and unpaid dividends thereon, and any and all rights to receive shares of common capital stock of Portland General Electric Company under a Plan of Reorganization approved June 29, 1946,

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, the aforesaid national of a designated enemy country (Japan);

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 (Japan).

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 June 9, 1950.

For the Attorney General.

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

[F. R. Doc. 50-5421; Filed, June 22, 1950; 8:52 a. m.]

[Vesting Order 14744]

KATHE KLINDWORTH KOHLER

In re: Stock owned by and debt owing to Kathe Klindworth Kohler, also known as Kathie Klindworth. F-28-26420-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 Kathe Klindworth Kohler, also known as Kathie Klindworth, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation represented by Claim No. 26-8806 against the insolvent First National Bank-Detroit, Detroit, Michigan, in the amount of $308.51, representing the fifth and sixth (final) dividends on the aforesaid claim, the funds for payment thereof being presently on deposit with National Metropolitan Bank, Washington, D. C., in an account entitled Comptroller of the Currency, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and

b. Ten (10) shares of $5.00 par value common capital stock of C. M. Hall Lamp Company, 1035 East Hancock Avenue, Detroit, Michigan, a corporation organized under the laws of the State of Michigan, evidenced by a certificate number NP 23530, registered in the name of Miss Kathie Klindworth, together with all declared and unpaid dividends thereon,

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, Kathe Klindworth Kohler, also known as Kathie Klindworth, 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 June 9, 1950.

For the Attorney General.

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

[F. R. Doc. 50-5422; Filed, June 22, 1950; 8:52 a. m.]

[Vesting Order 14746]

KONVERSIONSKASSE FÜR DEUTSCHE AUSLANDSSCHULDEN

In re: Bank accounts and scrip owned by Konversionskasse für Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts. F-28-1781-D-1, F-28-1781-E-2.

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 Konversionskasse für Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, the last known address of which is Berlin C111, Germany, is a public corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligation owing to Konversionskasse für Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, by Guaranty Trust Company of New York, 140 Broadway, New York, New York, arising out of the demand deposit accounts, which accounts are numbered and entitled as set forth in Exhibit A, attached hereto and by reference made a part hereof, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. Those certain Certificates of Indebtedness of Konversionskasse für Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, in the amount of forty-five thousand nine hundred and twenty (45,920) Reichmarks, presently in the possession of Guaranty Trust Company of New York, 140 Broadway, New York, New York, and any and all rights thereunder and thereto,

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, Konversionskasse für Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, 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 June 9, 1950.

For the Attorney General.

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

EXHIBIT A

Title of account	*Account No.*
State of Bremen 10-year external loan gold bonds:	
Sept. 1, 1933, coupon payment A/C	C1544
Mar. 1, 1934, coupon payment A/C	C1544
Mar. 1, 1934, sale of scrip A/C	C1544
Consolidated agricultural loan of the German Provincial and comunal banks 6½ percent series A sinking fund gold bonds due June 1, 1958:	
Dec. 1, 1933, coupon payment A/C	M5602
June 1, 1934, coupon payment A/C	M5602
June 1, 1934, sale of scrip A/C	M5602
United Industrial Corp., Germany, 6½ percent sinking fund gold debentures due Nov. 1, 1941:	
May 1, 1934, coupon payment A/C	C1836
May 1, 1934, sale of scrip A/C	C1836

[F. R. Doc. 50-5423; Filed, June 22, 1950; 8:52 a. m.]

[Vesting Order 14751]

ERNST SONNTAG

In re: Stock and bank account owned by Ernst Sonntag also known as Ernest Sonntag. F-28-23396-D-1, D-2, & 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 Sonntag also known as Ernest Sonntag, whose last known ad-

dress is Plochingerstrasse 13, Wernau am Neckar, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Ernst Sonntag also known as Ernest Sonntag by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Savings Account numbered A 50977, entitled Mr. Ernst Sonntag, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. Forty (40) shares of no par value capital stock of the Natomas Company, 607 Forum Building, Sacramento, California, a corporation organized under the laws of the State of California, evidenced by certificates numbered NY08497 and NY09125 for 20 shares each, registered in the name of Ernst Sonntag, together with all declared and unpaid dividends thereon, and

c. Fifty (50) shares of $5.00 par value common stock of Armour and Company, 316 South La Salle Street, Chicago 4, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by certificate numbered NC0813, together with all declared and unpaid dividends thereon,

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, 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 June 9, 1950.

For the Attorney General.

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

[F. R. Doc. 50-5424; Filed, June 22, 1950; 8:52 a. m.]

[Return Order 631]

AFRO DELL'ONTE AND IMERIO DELL'ONTE

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

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the adminstration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Afro Dell'Onte, Lana, Italy, Claim No. 33943; $1,579.35 in the Treasury of the United States.

Imerio Dell'Onte, Fossombrone, Italy, Claim No. 33944; $1,579.35 in the Treasury of the United States.

All right, title and interest of Afro Dell'Onte and Imerio Dell'Onte, and each of them, in and to the Estate of Augusto Strada, also known as August Strado, deceased.

Notice of intention to return published: March 10, 1950 (15 F. R. 1320).

Appropriate documents and papers effectuating this order will issue.

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

For the Attorney General.

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

[F. R. Doc. 50-5425; Filed, June 22, 1950; 8:52 a. m.]

GUGLIELMO AMBROSETTI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Guglielmo Ambrosetti, Via dei Seragli 117, Florence, Italy, Claim No. 33299; $3,974.88 in the Treasury of the United States; all right, title and interest of Guglielmo Ambrosetti in a trust created under the will of Stephen Hills Parker, deceased; Trustee, City Bank Farmers Trust Co., 22 William Street, New York, N. Y.

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

For the Attorney General.

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

[F. R. Doc. 50-5426; Filed, June 22, 1950; 8:52 a. m.]

EDWARD V. KILLEEN AND DRAGOI BATZOUROFF

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pusuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Edward V. Killeen, Executor under the last will and testament of Dragoi Batzouroff, deceased, New York, N. Y.; Claim No. 42689; $25,000.00 in the Treasury of the United States.

The above property is being returned to claimant Executor for distribution to Germaine Buchman, Paris, France, a legatee under the Last Will and Testament of Dragoi Batzouroff, deceased, and for no other purpose.

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

For the Attorney General.

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

[F. R. Doc. 50-5427; Filed, June 22, 1950; 8:52 a. m.]

JULES MARCEL CHEVALIER

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

Jules Marcel Chevalier, Commentry, France, Claim No. 33954; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,086,293.

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

For the Attorney General.

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

[F. R. Doc. 50-5428; Filed, June 22, 1950; 8:52 a. m.]

MARCEL MARIE GAETAN HAWADIER AND MICHEL GRAVINA

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

Marcel Marie Gaetan Hawadier and Michel Gravina, Paris, France, Claim No. 4322; property described in Vesting Order No. 720 (8 F. R. 2163, February 18, 1943) relating to United States Patent Application Serial No. 407,662, an undivided one-half interest therein to each claimant.

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

For the Attorney General.

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

[F. R. Doc. 50-5429; Filed, June 22, 1950; 8:52 a. m.]

MARGARETHA BERGHEIMER GOLDSCHMIDT AND LORE BIRKENRUTH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Margaretha Bergheimer Goldschmidt, New York, N. Y., and Lore Birkenruth, Heaton, Bradford, England; Claim No. 43826; all right, title, interest and claim of Elisabeth Bergheimer, also known as Elisabethe Bergheimer, in and to the Estate of Simon Heumann, deceased, William V. Elliott, Public Administrator, Kings County, New York; $3,277.00 in the Treasury of the United States. The property is returnable to the claimants in equal shares.

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

For the Attorney General.

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

[F. R. Doc. 50-5430; Filed, June 22, 1950; 8:52 a. m.]

MME. VVE. LUCIEN LOREL

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

Mme. Vve. Lucien Lorel, 20, Boulevard des Moulins, Monte-Carlo, France; Claim No. 41878; property to the extent owned by Cecile Chaminade immediately prior to vesting thereof by Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944), relating to the musical composition "Romanza Appassionata" (listed in Exhibit A of said vesting order) including royalties pertaining thereto in the amount of $122.30.

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

For the Attorney General.

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

[F. R. Doc. 50-5431; Filed, June 22, 1950; 8:52 a. m.]

MARIANNE GOLDSCHMIDT-ROTHSCHILD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marianne Goldschmidt-Rothschild, Paris, France; Claim No. 40856; $4,620.60 in the Treasury of the United States.

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

For the Attorney General.

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

[F. R. Doc. 50-5432; Filed, June 22, 1950; 8:52 a. m.]