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TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED KADOTA FIGS

LIQUID MEDIA

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.), the Brix measurements and sirup designations for canned Kadota figs set forth below are established for use in the inspection and certification of canned Kadota figs on and after June 15, 1955. Such use will be in connection with the United States Standards for Grades of Canned Kadota Figs, which have been in effect since November 15, 1945. The Brix measurements and sirup designations, which shall become effective on and after June 15, 1955, are as follows:

§ 52.2823 *Recommended designations of liquid media and Brix measurements for canned Kadota figs.* "Cut-out" requirements for liquid media in canned Kadota figs are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of ascertaining the grade of canned Kadota figs. It is recommended that canned Kadota figs have the following "cut-out" Brix measurement for the applicable designation:

Designations	*Brix measurement*
"Extra heavy sirup"	26° or more but not more than 35°.
"Heavy sirup"	21° or more but less than 26°
"Light sirup"	16° or more but less than 21°.
"In water"	Packed in water.

Notice of proposed rule making, public procedure thereon, and the delaying of the making of this document effective later than June 15, 1955, (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) are impracticable, unnecessary, and contrary to the public interest because: (1) This matter has been discussed with the Kadota fig industry generally, and it has expressed agreement therewith; (2) no preparation for conformity therewith which may not be completed by June 15, 1955, will be needed; and (3) it is very desirable that it be made effective well in advance of the next fig packing season, which will begin in July 1955.

(Sec. 205, 60 Stat. 1090, 7 U. S. C. 1624)

Dated: May 18, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 55-4160; Filed, May 20, 1955; 8:48 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 2]

PART 728—WHEAT

SUBPART—MARKETING QUOTAS FOR 1955 CROP

RATE OF PENALTY

The purpose of this amendment is to establish the monetary rate of penalty for any farm marketing excess determined in connection with the 1955 wheat marketing quota program at 45 percent of the May 1, 1955, parity price of wheat as required by Public Law 117, 83d Congress.

Since the only purpose of this amendment is to announce the penalty in dollars and cents calculated in accordance with a mathematical formula prescribed by statute, it is hereby found and determined that compliance with the provisions of the Administrative Procedure Act with respect to notice, public procedure thereon, and effective date is unnecessary, and the amendment herein shall become effective upon the date of its publication in the FEDERAL REGISTER.

Section 728.575 of the 1955 wheat marketing quota regulations is hereby amended to read as follows:

§ 728.575 *Rate of penalty.* The rate of penalty applicable to 1955 crop wheat shall be $1.13 per bushel, which is 45 per centum of the parity price per bushel of

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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.

wheat as of May 1, 1955, which is determined to be $2.51.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies 55 Stat. 203, as amended, sec. 3, 67 Stat. 151; 7 U. S. C. 1340)

Done at Washington, D. C., this 18th day of May 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-4167; Filed, May 20, 1955; 8:51 a. m.]

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

[Valencia Orange Reg. 36]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.336 *Valencia Orange Regulation 36*—(a) *Findings.* (1) Pursuant to

Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter 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.) because 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, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on May 19, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., May 22, 1955, and ending at 12:01 a. m., P. s. t., May 29, 1955, is hereby fixed at follows:

(i) District 1: 219,450 boxes;
(ii) District 2: 219,450 boxes;
(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

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

Dated: May 20, 1955.

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

[F. R. Doc. 55-4209; Filed, May 20, 1955; 11:18 a. m.]

[Lemon Reg. 590]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.697 *Lemon Regulation 590*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter 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.) because 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, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on May 18, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 22, 1955, and ending at 12:01 a. m., P. s. t., May 29, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 550 carloads;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: May 19, 1955.

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

[F. R. Doc. 55-4206; Filed, May 20, 1955; 9:07 a. m.]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

QUALITY REGULATIONS

Notice was published in the FEDERAL REGISTER issue of April 21, 1955 (20 F. R. 2666), that the Department was giving consideration to the proposed amendment of the supplementing rules and regulations (7 CFR 969.110 et seq.; Subpart—Rules and Regulations; 19 F. R. 5439) currently in effect pursuant to the marketing agreement and Order No. 69 (7 CFR 969; 19 F. R. 3439), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Avocado Administrative Committee (established pursuant to said marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are amended as follows:

§ 969.130 *Quality regulations.* Quality regulations recommended and established pursuant to § 969.50 shall be on the basis of the following specifications or appropriate modifications thereof:

(a) *No. 1 grade.* "No. 1 grade" consists of avacados of similar varietal characteristics which are mature but not overripe, well formed, clean, well colored, well trimmed, and which are free from decay, anthracnose, freezing injury and free from damage caused by bruises, cuts or other skin breaks, pulled stems, russeting or similar discoloration, scars or scab, sunburn, sunscald or sprayburn, cercospora spot, other disease, insects, or mechanical or other means. In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of this grade: *Provided*, That not more than one-half of this amount, or 5 percent, may be affected by anthracnose or decay, including therein not more than 1 percent for decay. (See application of tolerances and size requirements.)

(b) *Combination grade.* Any lot of avocados may be designated "Combination grade" when not less than 60 percent, by count, of the avocados in each container meet the requirements of the No. 1 grade and the remainder meet the requirements of the No. 2 grade. In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of the No. 2 grade: *Provided*, That not more than one-half of this amount, or 5 percent, may be affected by anthracnose or decay, including therein not more than 1 percent for decay. No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of No. 1 fruit required or specified in the combination, but individual containers may have not more than 10 percent less than the percentage of No. 1 fruit required or specified. (See application of tolerances and size requirements.)

(c) *No. 2 grade.* "No. 2 grade" consists of avocados of similar varietal characteristics which are mature but not overripe, fairly well formed, clean, fairly well colored, well trimmed and which are free from decay, freezing injury and free from serious damage caused by anthracnose, bruises, cuts or other skin breaks, pulled stems, russeting or similar discoloration, scars or scab, sunburn, sunscald or sprayburn, cercospora spot, other disease, insects, or mechanical or other means. In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of this grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for serious damage by anthracnose or decay, including therein not more than 1 percent for decay. (See application of tolerances and size requirements.)

(d) *No. 3 grade.* "No. 3 grade" consists of avocados of similar varietal characteristics which are mature but not overripe, which are not badly misshapen, and which are free from decay and free from serious damage caused by anthracnose and from very serious damage caused by freezing injury, bruises, cuts or other skin breaks, pulled stems, russeting or similar discoloration, scars, or scab, sunburn, sunscald or sprayburn, cercospora spot, other disease, insects, dirt, or mechanical or other means. In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of this grade, including therein not more than 2 percent of decay. (See application of tolerances and size requirements.)

(e) *Unclassified.* "Unclassified" consists of avocados which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade, as used herein, but is provided as a designation to show that no grade has been applied to the lot.

(f) *Size requirements.* (1) The size of avocados may be specified in terms of count, minimum weight or a range in weights. When counts or minimum weights are specified for the avocados in a container, the weight of the smallest fruit shall be not less than 75 percent of the weight of the largest fruit.

(2) In order to allow for variations incident to proper sizing, not more than 5 percent of the avocados in any lot may fail to meet the size requirements: *Provided*, That when the minimum and maximum weights are both specified, an additional 5 percent tolerance shall be allowed for avocados which are larger than the specified maximum weight.

(g) *Application of tolerances.* The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 20 avocados and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 20 avocados and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package.

(2) For packages which contain 20 avocados or less, individual packages shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package.

(h) *Definitions*—(1) *Similar varietal characteristics.* "Similar varietal characteristics" means that the avocados in any container are similar in shape, texture and color of skin and flesh.

(2) *Mature.* "Mature" means that the avocado has reached a stage of growth which will insure a proper completion of the ripening process.

(3) *Overripe.* "Overripe" means that the avocado is dead ripe with flesh soft or discolored and past commercial use.

(4) *Well formed.* "Well formed" means that the avocado has the normal shape characteristic of the variety.

(5) *Clean.* "Clean" means that the avocado is practically free from dirt, staining or other foreign material.

(6) *Well colored.* "Well colored" means that the avocado has the color characteristic of the variety.

(7) *Well trimmed.* "Well trimmed" means that the stem, when present, is cut off fairly smoothly at a point not more than one-fourth inch beyond the shoulder of the avocado.

(8) *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual fruit, or the general appearance of the fruits in the container. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Cuts or other skin breaks when not healed and penetrating beneath the epidermis or the aggregate area exceeds the area of a rectangle one inch in length and one-eigth inch in width; or when healed and the appearance is materially affected.

(ii) Pulled stems when the exposed stem cavity is excessively deep, or when skin surrounding the stem cavity is more than slightly torn.

(iii) Russeting or similar discoloration when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown surface discoloration aggregating 5 percent of the fruit surface.

(iv) Scars or scab when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown superficial scars aggregating 5 percent of the fruit surface.

(v) Sunburn when the appearance of the avocado is affected to a greater extent than that of an avocado which has yellow colored sunburn aggregating 5 percent of the fruit surface.

(vi) Sunscald or sprayburn when not well healed, or when soft, or when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown superficial scars aggregating 5 percent of the fruit surface.

(9) *Fairly well formed.* "Fairly well formed" means that the avocado may be slightly abnormal in shape but not to the extent that the appearance is seriously affected.

(10) *Fairly well colored.* "Fairly well colored" means that the avocado shows a shade of color which is fairly characteristic of the variety.

(11) *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual fruit, or the general appearance of the avocados in the container. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Anthracnose when any spot exceeds the area of a circle one-fourth inch in diameter, or when more than 3 spots each exceeding the area of a circle three-sixteenths inch in diameter.

(ii) Cuts or other skin breaks when not healed and the aggregate area exceeds the area of a rectangle one inch in length and one-fourth inch in width, or when not healed and penetrating into the flesh of the fruit, or when healed and the appearance is seriously affected.

(iii) Pulled stems when the skin surrounding the exposed stem cavity is torn more than an aggregate area of a circle one-fourth inch in diameter, or when flesh is torn.

(iv) Russeting or similar discoloration when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown surface discoloration aggregating 25 percent of the fruit surface.

(v) Scars or scab when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown superficial scars aggregating 25 percent of the fruit surface.

(vi) Sunburn when the appearance of the avocado is affected to a greater extent than that of an avocado which has yellow colored sunburn aggregating 25 percent of the fruit surface.

(vii) Sunscald or sprayburn when not well healed, or when soft, or when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown superficial scars aggregating 25 percent of the fruit surface.

(12) *Badly misshapen.* "Badly misshapen" means that the avocado is so badly curved, constricted, pointed or otherwise deformed that the appearance is very seriously affected.

(13) *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the avocado. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(i) Cuts or other skin breaks when not healed and penetrating into the flesh of the fruit, or any skin break very seriously affecting the appearance, or the edible or shipping quality.

(ii) Pulled stems when the skin surrounding the exposed stem cavity is torn more than an aggregate area of a circle one-half inch in diameter, or when the flesh is torn.

(iii) Russeting or similar discoloration when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown surface discoloration aggregating 50 percent of the fruit surface.

(iv) Scars or scab when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown superficial scars aggregating 50 percent of the fruit surface.

(v) Sunburn when the appearance of the avocado is affected to a greater extent than that of an avocado which has yellow colored sunburn aggregating 50 percent of the fruit surface.

(vi) Sunscald or sprayburn when not well healed, or when soft, or when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown superficial scars aggregating 50 percent of the fruit surface.

(Sec. 5, 49 Stat. 753, as amended, 68 Stat. 906, 1047; 7 U. S. C. 608c)

It is hereby further found that delaying the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) is unnecessary since (1) the provisions of said amendment do not impose any restrictions on any person; (2) such amendment is preliminary to the issuance of quality regulations, pursuant to the said marketing agreement and order, for the marketing season beginning about June 1, 1955, and is for the purpose of facilitating the specification of such quality regulations; and (3) handlers have been notified of the adoption, and recommendation to the Secretary, by the said committee of the aforesaid amendment and were afforded opportunity to submit data, views, and arguments with respect thereto.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047)

Issued this 18th day of May 1955, to be effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-4159; Filed, May 20, 1955; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. No. SR-404A]

PART 20—PILOT CERTIFICATE

SPECIAL CIVIL AIR REGULATION; ISSUANCE OF STUDENT GLIDER PILOT CERTIFICATES TO PERSONS THIRTEEN YEARS OF AGE RECEIVING INSTRUCTION AT THE MISSISSIPPI STATE COLLEGE GLIDER CLUB

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 18th day of May 1955.

Mississippi State College, by letter of Mr. August Raspet, Head of the Aerophysics Department, has requested an extension of currently effective Special Civil Air Regulation No. SR-404 which permits the issuance of student glider pilot certificates to persons thirteen years of age who are to receive glider training at the Mississippi State College Glider Club. This regulation became effective May 19, 1954, and terminates May 18, 1955.

The Mississippi State College Glider Club, an organized extra curricular activity at Mississippi State College, has a definite glider training syllabus, a glider instructor who has a commercial glider rating, and a single place glider for training. All students are trained under the personal supervision of the instructor and complete records are kept of all flights.

As part of their training program, the club has been investigating the potential of glider training as a means of indoctrinating young persons into the medium of flight. In order to carry out this project the club requested the authority granted by SR-404, since it was considered desirable that high school students, many of whom are thirteen years of age, be able to participate. The Board concurred, and in adopting SR-404 indicated that the knowledge gained through such a program would be beneficial in the future revision of Civil Air Regulations.

During the period that SR-404 has been in effect, only one student thirteen years of age received glider training under the program conducted by the Mississippi State College Glider Club. This is not a sufficient sampling to be of use to the Board. However, Mr. Raspet has requested that SR-404 be extended for the reason that he foresees an increase in the enrollment of thirteen-year-old students in the Spring of 1955. The Board believes that, if such an increase in enrollment does occur, the knowledge gained through such a program will be of value in formulating Board policy concerning the airman requirements of the Civil Air Regulations. The Board, therefore, finds that it is in the public interest to extend the provisions of SR-404. Notice of this extension was published in the FEDERAL REGISTER on May 4, 1955, at 20 F. R. 2988.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective May 19, 1955:

Contrary provisions of the Civil Air Regulations notwithstanding, the Administrator may issue or authorize the issuance of a student glider pilot certificate to a person of thirteen years of age who is to receive glider training at the Mississippi State College Glider Club: *Provided*, (1) That the training shall be conducted under the personal supervision of a holder of a commercial glider rating or flight instructor rating for gliders and (2) That the certificate shall bear the following limitation on its face, "Valid only for receiving glider instruction given by the Mississippi State College Glider Club."

This regulation supersedes Special Civil Air Regulation No. SR-404, and unless sooner superseded or rescinded by the Board, shall terminate on May 18, 1956.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-4172; Filed, May 20, 1955; 8:51 a. m.]

Subchapter A—Civil Air Regulations

[Supp. 15]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

MISCELLANEOUS AMENDMENTS

The following amendments are made to the interpretations and policies issued by the Administrator relative to Part 40 of the Civil Air Regulations to add new material and correct 14 CFR, 1953 Supp., §§ 40.51-1 and 40.72-1. A new interpretation (§ 40.390-2) permits lower landing minimums to be approved at alternate airports having an ILS or GCA as the only instrument approach aid. The date, November 1, inadvertently omitted from § 40.51-1 (e) (2) (ii) is added to indicate the calendar period during which 165 pounds may be used as an average adult passenger weight. In § 40.72-1 (a), "figure 1" is changed to read, "diagram 1" to correct an erroneous reference; and the diagram is included.

The following amendments are hereby adopted:

1. Section 40.51-1 (e) (2) (ii) is amended by adding the date "November 1" between the words "period" and "through."

2. Section 40.72-1 (a) is amended by changing the words "Figure 1" to "Diagram 1" and adding the following diagram:

TAKE-OFF AIRPORT LIMITATIONS

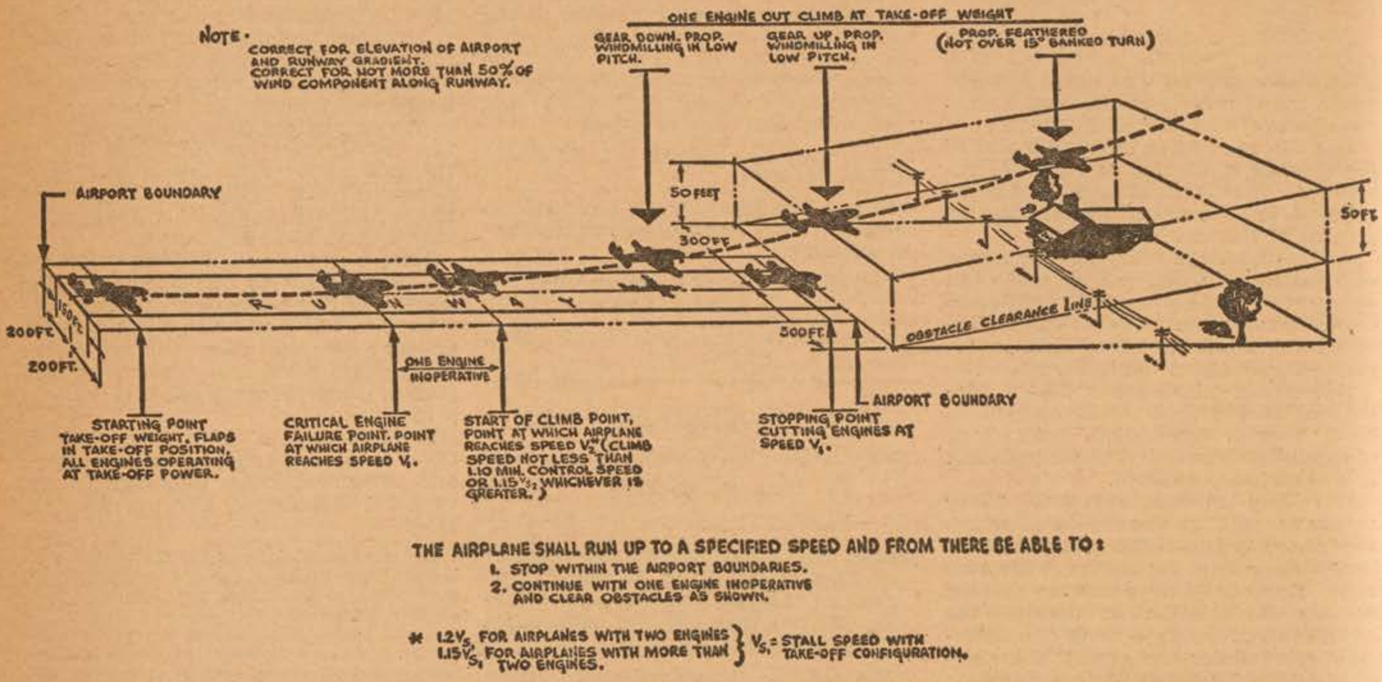

DIAGRAM 1.

3. Section 40.390-2 is added to read as follows:

§ 40.390-2 *Establishment of alternate airport landing minimums at airports where ILS or GCA only available instrument approach aids (CAA interpretations which apply to § 40.390 (a)).* Alternate airport landing minimums as low as 600-2, 700-1½, or 800-1 may be approved at airports where an ILS or GCA is the only instrument approach aid serving such airport: *Provided,* That adequate radio facilities are available to accomplish transition to the ILS or GCA.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

This supplement shall become effective June 15, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55-4083; Filed, May 20, 1955; 8:52 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 138]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

Correction

In F. R. Document 55-2860, appearing in the issue for Thursday, April 14, 1955, at page 2453, make the following change in paragraph 3 (§ 609.11): In column 8, the entry "1,640—4.9" should read "1,650—4.9".

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, Further Amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950- ——)

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 55-3170, published at page 2649 of the issue for Thursday, April 21, 1955, the following changes should be made in Appendix 2:

1. In column 1, page 2655, the figure in Column II on the line following the line on which appears "27.20" should read "27.30" instead of "37.30".

2. In column 1, page 2656, the figures in Columns II, III, and IV on the line following the line on which appear "55.80", "60.80", and "112.00" should read "55.90", "60.90", and "112.00" instead of "56.80", "61.80", and "117.00", respectively.

3. In column 3, page 2656, the figure in Column I on the line following the line on which appears "$43.69-$43.76" should read "$43.77-$43.89" instead of "$33.77-$43.89."

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF DEFENSE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (3) is added to § 6.104 as set out below.

§ 6.104 *Department of Defense*—(a) *Office of the Secretary.* * * *

(3) Positions assigned to or in support of special classified training activities.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

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

[F. R. Doc. 55-4165; Filed, May 20, 1955; 8:50 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL CIVIL DEFENSE ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (o) is added to § 6.357 as set out below.

§ 6.357 *Federal Civil Defense Administration.* * * *

(o) One Deputy Assistant Administrator, Civil Defense Planning Staff.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

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

[F. R. Doc. 55-4166; Filed, May 20, 1955; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

On December 4, 1954, a notice of proposed rulemaking with respect to regulations designated as Part 251 of Title 26 (1954) of the Code of Federal Regulations was published in the FEDERAL REGISTER (19 F. R. 8017). The purposes of the proposal were to adopt Regulations 21, 1951 edition (26 CFR (1939) Part 191, 16 F. R. 8530), Importation of Distilled Spirits, Wines, and Fermented Liquors, as amended, and to amend such adopted regulations (a) to implement the provisions of the Internal Revenue Code of 1954, and (b) to implement administrative decisions. No data, views, or arguments relating thereto having been received during the period of 15 days from the date of publication of said notice, the regulations so published are hereby adopted, subject to the changes set forth as below:

PARAGRAPH 1. The preamble is amended as follows:

(A) Paragraph 1 is amended by striking the phrase "as to facts and circumstances arising on and after January 1, 1955," and the comma immediately preceding such phrase.

(B) A new paragraph 3 is added.

PAR. 2. Subpart B is amended as follows:

(A) By striking the phrase "of internal revenue" at the end of § 251.6 and placing a period after the word "Commissioner".

(B) Sections 251.9 through 251.18 are renumbered as §§ 251.10 through 251.19, respectively.

(C) By adding a new § 251.9.

(D) Sections 251.19 through 251.21 are renumbered as §§ 251.21 through 251.23, respectively.

(E) By adding a new § 251.20.

PAR. 3. Subpart D is amended by inserting in § 251.42, immediately following the first sentence, two new sentences.

PAR. 4. The date "April 1, 1955" wherever it appears in §§ 251.40, 251.41, 251.42 and 251.45 was changed by Public Law 18, 84th Congress (69 Stat. 14) and should read "April 1, 1956".

PAR. 5. Subpart E is amended as follows:

(A) By striking in § 251.56, the word "under" in the phrase "under customs regulations", and substituting in lieu thereof the words "in accordance with".

(B) By striking in § 251.57, the word "under" in the phrase "under customs regulations", and substituting in lieu thereof the words "in accordance with".

(C) By striking in § 251.61, the word "or" immediately following the semicolon in paragraph (b), and adding a new paragraph (c), immediately following paragraph (b).

(D) By changing the designation of the last paragraph of § 251.61 from "(c)" to "(d)".

(E) By revising § 251.62.

(F) By revising the last sentence of § 251.68.

(G) By inserting a new § 251.73 immediately following § 251.72.

(H) By redesignating "§ 251.73" as "§ 251.74" and inserting a new phrase "(b) on which no internal revenue tax is required to be paid on or before withdrawal from customs custody;" immediately after the phrase beginning "(a) not for sale" in the first sentence, and redesignating "(b)" and "(c)" as "(c)" and "(d)", respectively.

PAR. 6. Subpart G, consisting of §§ 251.100, 251.101, 251.102, 251.103 and 251.104, is deleted.

PAR. 7. Subpart H is amended as follows:

(A) By redesignating the title to read: "Subpart G—Red Strip Stamps Affixed. Under Customs Supervision".

(B) By revising § 251.110 by striking the words "in a bonded warehouse" at the end of the first sentence, and placing a period after the word "officer"; by striking the phrase "of the district in which the bonded warehouse is located," in the second sentence, which begins "Stamps procured"; and by striking the third sentence which begins "At ports where".

PAR. 8. Subparts I, J, K and L are redesignated as Subparts H, I, J and K, respectively.

PAR. 9. Subpart J, redesignated as Subpart I, is amended as follows:

(A) By revising § 251.132 by striking the ordinal number "5th" in the second sentence, which begins "On or before", and substituting in lieu thereof the ordinal number "tenth".

(B) By revising § 251.135 by striking the ordinal number "fifth" in the sixth sentence, which begins "The monthly transcript", and substituting in lieu thereof the ordinal number "tenth".

(C) By revising § 251.140 by striking the ordinal number "5th" in the third sentence, which begins "If in any case", and substituting in lieu thereof the ordinal number "tenth", and by striking the ordinal number "5th" in the fifth sentence, which begins "Monthly summary reports", and substituting in lieu thereof the ordinal number "tenth".

PAR. 10. Subpart L, redesignated as Subpart K, is amended by revising § 251.160.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

RALPH KELLY,
Commissioner of Customs.

Approved: May 18, 1955.

M. B. FOLSOM,
Acting Secretary of the Treasury.

Preamble. 1. The regulations in this part shall supersede Regulations 21, 1951 Edition (26 CFR (1939) Part 191; 16 F. R. 8530), and Treasury Decisions 5896 (17 F. R. 3641), 6063 (19 F. R. 733), and 6088 (19 F. R. 5055).

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. The regulations in this part shall be effective on the first day of the first month which begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

AUTHORITY: §§ 251.1 through 251.160 issued under 68A Stat. 917; 26 U. S. C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

CROSS REFERENCE: For regulations with respect to distilled spirits, wines, and beer arriving in the United States from Puerto Rico and the Virgin Islands, see Part 250 of this subchapter.

SUBPART A—SCOPE OF REGULATIONS

§ 251.1 *Imported distilled spirits, wines, and beer.* This part, "Importation of Distilled Spirits, Wines and Beer", contains procedural and substantive requirements relative to the importation of distilled spirits, wines, and beer into the United States from foreign countries including special (occupational) and commodity taxes, permits, marking, branding, labeling, and stamping of containers and packages, and records and reports.

NOTE: Distilled spirits, wines, and beer arriving in the United States from Puerto Rico and the Virgin Islands are governed by the provisions of Title 26, Code of Federal Regulations, Part 250.

§ 251.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including reports, returns, and records. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

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

§ 251.6 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the assistant regional commissioner, Alcohol and Tobacco Tax, who is responsible to and functions under the direction and supervision of the regional commissioner.

§ 251.7 *Beer.* "Beer" shall mean all beer, ale, porter, stout and other similar fermented beverages (including sake or similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

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

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

§ 251.10 *Container.* "Container" when used in connection with imported distilled spirits shall mean a liquor bottle or other authorized container of a capacity of one-half pint to 1 gallon, inclusive, conforming to Part 175 of this title, and, in so far as red strip stamp and labeling requirements are concerned, also any container of less than one-half pint. "Container" when used in connection with imported wines or beer shall mean any bottle, cask, or other closed receptacle, irrespective of size or of the material from which made.

§ 251.11 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division", shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 251.12 *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, as defined in § 251.23, containing 24 per centum or less of alcohol by volume.

§ 251.13 *District director.* "District director" shall mean the district director of internal revenue.

§ 251.14 *Importer.* "Importer" shall mean any person who imports distilled spirits, wines, or beer into the United States.

§ 251.15 *Including.* The term "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 251.16 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine, associations, partnerships, and corporations.

§ 251.17 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 251.18 *Person.* "Person" shall mean and include natural persons, associations, partnerships, and corporations.

§ 251.19 *Red strip stamps.* "Red strip stamps" shall mean the stamps prescribed under authority of section 5008 (b), I. R. C.

§ 251.20 *Regional Commissioner.* "Regional Commissioner" shall mean the Regional Commissioner of Internal Revenue in each of the internal revenue regions.

§ 251.21 *United States.* "United States" includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

§ 251.22 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 251.23 *Wine.* "Wine" shall mean (a) still wine, including vermouth or other apertif wine, artificial or imitation wines or compounds sold as still wine, champagne or sparkling wine, and artificially carbonated wine, and (b) flavored or sweetened fortified or unfortified wines, by whatever name sold or offered for sale, containing not over 24 percent alcohol by volume.

SUBPART C—SPECIAL (OCCUPATIONAL) TAXES

§ 251.30 *Liquor dealers' special taxes.* Every person engaged in business as an importer within the meaning of the term as defined in § 251.13, who sells, or offers for sale, distilled spirits, wines, or beer, must file Form 11 with the district director of internal revenue and pay special (occupational) taxes as wholesale dealer or retail dealer in liquor, or both, or, if beer only is dealt in, as wholesale beer dealer, or retail beer dealer, or both, in accordance with the law and regulations governing the payment of such special taxes. See Part 194 of this title.

(68A Stat. 618, 620, 621; 26 U. S. C. 5111, 5112, 5121, 5122)

§ 251.31 *Warehouse receipts covering distilled spirits.* Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every person engaged in business as an importer of distilled spirits, who sells, or offers for sale, warehouse receipts for distilled spirits stored in customs bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors at the place where the warehouse receipts are sold or offered for sale, and must file return and pay occupational tax as provided in § 251.30.

(68A Stat. 618, 620, 621; 26 U. S. C. 5111, 5112, 5121, 5122)

SUBPART D—TAX ON IMPORTED DISTILLED SPIRITS, WINES, BEER, AND IMPORTED PERFUMES CONTAINING DISTILLED SPIRITS

DISTILLED SPIRITS AND PERFUMES

§ 251.40 *Distilled spirits.* Distilled spirits in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rate of $10.50 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon. On and after April 1, 1956, the rate of tax shall be $9 in lieu of $10.50.

(68A Stat. 595; 26 U. S. C. 5001)

§ 251.41 *Perfumes containing distilled spirits.* Imported perfumes containing distilled spirits are subject to an internal revenue tax, when withdrawn, at the rate of $10.50 per wine gallon and a proportionate tax at a like rate on all fractional parts of such wine gallon. On and after April 1, 1956, the rate of tax shall be $9 in lieu of $10.50.

(68A Stat. 595; 26 U. S. C. 5001)

No. 100——2

WINES

§ 251.42 *Wines.* All wines, including imitation, substandard or artificial wine, and compounds sold as wine, having not in excess of 24 percent of alcohol by volume, in customs bonded warehouse or imported into the United States are subject to an internal revenue tax at the rates shown below, such taxes to be determined at the time of removal from customs custody for consumption or sale. Tax computed on the basis of a wine gallon (a U. S. wine gallon of liquid measure equivalent to the volume of 231 cubic inches) will be paid proportionately on all fractional parts of a wine gallon. Fractions of less than one-tenth gallon will be converted to the nearest one-tenth gallon, and five-hundredths gallon will be converted to the next one-tenth gallon.

(a) On still wines containing not more than 14 percent of alcohol by volume, 17 cents per wine gallon, except that on and after April 1, 1956, the rate shall be 15 cents per wine gallon;

(b) On still wines containing more than 14 percent and not exceeding 21 percent of alcohol by volume, 67 cents per wine gallon, except that on and after April 1, 1956, the rate shall be 60 cents per wine gallon;

(c) On still wines containing more than 21 percent and not exceeding 24 percent of alcohol by volume, $2.25 per wine gallon, except that on and after April 1, 1956, the rate shall be $2.00 per wine gallon;

(d) On champagne and other sparkling wines, $3.40 per wine gallon, except that on and after April 1, 1956, the rate shall be $3.00 per wine gallon;

(e) On artificially carbonated wines, $2.40 per wine gallon, except that on and after April 1, 1956, the rate shall be $2.00 per wine gallon;

(f) All wines containing more than 24 percent of alcohol by volume shall be classed as distilled spirits and shall be taxed accordingly.

(68A Stat. 609; 26 U. S. C. 5041)

LIQUEURS, CORDIALS, AND OTHER COMPOUNDS AND PREPARATIONS

§ 251.43 *Liqueurs, cordials, and similar compounds.* Liqueurs, cordials, and similar compounds, containing distilled spirits, in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rates applicable to distilled spirits. Fortified or unfortified wines, containing not over 24 percent alcohol by volume, to which sweetening or flavoring materials, but no distilled spirits, have been added are not classified as liqueurs, cordials, or similar compounds, but are considered to be flavored wines only and are subject to internal revenue tax at the rates applicable to wines.

(68A Stat. 595, 609; 26 U. S. C. 5001, 5041)

§ 251.44 *Other compounds and preparations.* Compounds and preparations, other than those specified in § 251.43 containing distilled spirits, which are fit for beverage purposes, in customs bonded warehouse or imported into the United States are subject to internal revenue tax at the rates applicable to distilled spirits. Compounds and preparations, containing fortified or unfortified wine, but no distilled spirits, which are fit for beverage purposes and which are sold as wine, are subject to internal revenue tax at the rates applicable to wines.

(68A Stat. 595, 609; 26 U. S. C. 5001, 5041)

BEER

§ 251.45 *Rate of tax.* All beer as defined in §251.7, imported into the United States, is subject to an internal revenue tax of $9 for every barrel containing not more than 31 gallons, and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law. On and after April 1, 1956, the tax shall be at the rate of $8 in lieu of $9. The tax on beer shall be determined on sale or removal for consumption or sale and shall be paid by the importer, in accordance with customs requirements.

(68A Stat. 611, 613, 614; 26 U. S. C. 5051, 5055, 5061)

§ 251.46 *Computation of tax.* In estimating and computing such tax, the fractional parts of a barrel shall be halves, thirds, quarters, sixths, and eights; and, except as provided in § 251.47, any fractional part of a barrel, containing less than one-eighth, shall be accounted one-eighth; more than one-eighth, and not more than one-sixth, shall be accounted one-sixth; more than one-sixth, and not more than one-fourth, shall be accounted one-fourth; more than one-fourth, and not more than one-third, shall be accounted one-third; more than one-third, and not more than one-half, shall be accounted one-half; more than one-half, and not more than one barrel, shall be accounted one barrel; and more than one barrel and not more than sixty-three gallons, shall be accounted two barrels, or a hogshead. The tax on any other quantity, as for example, bottled beer, will be computed on the basis of actual quantity at the rate prescribed by law.

(68A Stat. 611; 26 U. S. C. 5051)

§ 251.47 *Tolerance for containers.* The provisions of § 251.46 requiring the accounting of barrels and fractional parts of barrels at the next higher quantity shall not apply where the contents of any wooden barrel containing more than 31 gallons do not exceed 31 gallons by more than one-half gallon, and a proportionate quantity as to fractional wooden containers; nor where the contents of any metal barrel containing more than 31 gallons do not exceed 31 gallons by more than one-quarter gallon, and a proportionate quantity as to fractional metal containers; and no tax shall be collected on any excess which is within the limits of such tolerance.

(68A Stat. 611; 26 U. S. C. 5051)

COLLECTION OF INTERNAL REVENUE TAXES

§ 251.48 *Imported distilled spirits, wines, and beer.* Internal revenue taxes payable on imported distilled spirits, including perfumes containing distilled spirits, and on wines and beer, are collected, accounted for, and deposited as internal revenue collections by collectors of customs in accordance with customs requirements.

SUBPART E—GENERAL REQUIREMENTS

PERMIT FOR IMPORTATION OF DISTILLED SPIRITS, WINES AND BEER

§ 251.55 *Federal Alcohol Administration Act permit.* Under the Federal Alcohol Administration Act and the regulations issued pursuant thereto (Regulations 1, 27 CFR Part 1), any person except an agency of a State or political subdivision thereof, or any officer or employee of any such agency, intending to engage in the business of importing distilled spirits, wines or beer for nonindustrial use is required to procure a permit (Form 1631) therefor.

(49 Stat. 978, as amended; 27 U. S. C. 203)

MARKING AND STAMPING OF DISTILLED SPIRITS

§ 251.56 *Containers of 1 gallon or less.* Imported containers of distilled spirits of 1 gallon or less, and empty containers imported for the bottling of imported distilled spirits of 1 gallon or less, are required to be marked in accordance with customs regulations (19 CFR Parts 11 and 12) and containers of one-half pint to 1 gallon are required to be marked under Part 175 of this subchapter, and stamped in accordance with this part.

§ 251.57 *Containers in excess of 1 gallon.* Imported containers of distilled spirits in excess of 1 gallon are required to be marked and stamped in accordance with customs regulations (19 CFR Parts 11 and 12).

LABELING OF DISTILLED SPIRITS

§ 251.58 *Containers of 1 gallon or less.* Labels on imported containers of distilled spirits, and on containers of imported distilled spirits bottled in customs custody, for sale at retail, are required to be covered by a certificate of label approval (Form 1649) issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder (Regulations 5, 27 CFR Part 5). Containers of imported distilled spirits bottled after taxpayment and withdrawal from customs custody are required to be covered by a certificate of label approval (Form 1649) or a certificate of exemption from label approval (Form 1650) issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder (Regulations 5, 27 CFR Part 5). When distilled spirits are to be labeled under a certificate of exemption from label approval, the labels affixed to containers are required to conform to Part 175 of this subchapter.

MARKING AND LABELING OF WINES AND BEER

§ 251.59 *Wines.* All imported wines containing not less than 7 percent and not more than 24 percent of alcohol by volume are required to be packaged, marked, branded, and labeled in conformity with the Federal Alcohol Administration Act and regulations promulgated thereunder (Regulations 4, 27 CFR Part 4), prior to their removal from customs custody. Containers of imported wine bottled or packaged after taxpayment and withdrawal from customs custody are required to be covered by a certificate of label approval (Form 1649) or a certificate of exemption from label approval (Form 1650) issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder (Regulations 4, 27 CFR Part 4). Imported containers of wine are required also to be marked, branded and labeled in accordance with customs regulations (19 CFR Parts 11 and 12).

§ 251.60 *Beer.* All imported beer is required to be released from customs custody in conformity with the Federal Alcohol Administration Act and regulations thereunder. The attention of all concerned is directed, in this connection, to the provisions of Regulations 7 (27 CFR Part 7) relating to the labeling and advertising of malt beverages, issued under the Federal Alcohol Administration Act. Imported containers of beer are required to be marked and labeled in accordance with customs regulations (19 CFR Parts 11 and 12).

RED STRIP STAMPS FOR CONTAINERS OF DISTILLED SPIRITS

§ 251.61 *Containers of distilled spirits to bear red strip stamps.* The immediate containers of imported distilled spirits are required to bear red strip stamps indicating the payment of all internal revenue taxes thereon, with the following exceptions:

(a) Distilled spirits in bond or in customs custody;

(b) Distilled spirits not intended for sale or for use in the manufacture or production of any article intended for sale;

(c) Distilled spirits on which no internal revenue tax is required to be paid; or

(d) Any regularly established common carrier receiving, transporting, delivering, or holding for transportation or delivery distilled spirits in the ordinary course of its business as a common carrier.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.62 *Persons authorized to affix red strip stamps.* Red strip stamps shall be affixed to imported containers of distilled spirits as follows: (a) By the bottler or exporter in a foreign country, as prescribed by Subpart F; or (b) by the importer or owner under customs supervision as prescribed by Subpart G. The bottler of distilled spirits imported in bulk shall affix stamps to the containers, as prescribed by Subpart H of this part.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.63 *Denominations of red strip stamps.* Red strip stamps will be provided in the following denominations only: 1 gallon, ½ gallon, 1 quart, ⅘ quart, ¾ quart, 1 pint, ⅘ pint, ¾ pint, ½ pint, and less than ½ pint. When containers for which standards of fill are not prescribed are of sizes for which no stamps are provided, the person required to affix the stamps shall use those of the denomination next under the actual quantity of spirits in the containers, as, for instance, a stamp of the ½ pint denomination for a container of more than ½ pint and less than ¾ pint, and shall block or strike out the original denomination and write or print on the stamps immediately above the blocked or stricken out denomination the exact quantity of spirits in the containers. Stamps of the denomination of "less than ½ pint" need not be changed to show the exact quantity in the containers.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.64 *Requisition, Form 428.* Requisition for red strip stamps shall be made by the importer, or his duly authorized agent, or by the subsequent purchaser of the distilled spirits as provided in this section, on Form 428, in triplicate. Where an importer has given a bottler or another agent power of attorney to sign Form 428, the importer's name must be given, followed by the signature of the person authorized and the words "Attorney in Fact." A copy of the power of attorney must be filed with the collector of customs. The local address of the importer, or his agent, must be given on Form 428 before approval by the collector of customs. The importer must present and file (if he has not already done so) with the collector of customs a certified or photostatic copy of his permit issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder at the time he presents his first Form 428 for approval. All Forms 428 shall be submitted to the collector of customs of the district in which the place of business of the importer, or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be is located.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.65 *Statement, Form 1627.* The importer, or his duly authorized agent, shall submit with Form 428 for stamps to be sent to a foreign country a sworn statement on Form 1627, that the stamps requisitioned on Form 428 are required to supply existing orders and/or anticipated requirements within 30 days from the date of the requisition and will be used for the quantity of distilled spirits to be imported through the designated port (or other port or ports to be designated subsequently on Form 1627A as provided by §§ 251.86 and 251.87) at which warehouse or consumption entries will be filed. All of the information indicated by the headings of the columns and lines and the instructions printed on the form, shall be entered thereon.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.66 *Approval of requisition.* The collector of customs will approve Form 428 if he is satisfied that the importer is the holder of an I permit issued pursuant to the Federal Alcohol Administration Act and the regulations promulgated thereunder and that the red strip stamps are required for distilled spirits to be imported, or to be removed from customs custody, as prescribed in this part. The collector of customs will retain Form 1627 and one copy of Form 428 and return the original and remaining copy of Form 428 to the applicant for submission to the proper district director of internal revenue.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.67 *Procurement of red strip stamps.* Red strip stamps shall be procured by the importer, or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be, from the district director of internal revenue of the district in which the place of business of such applicant is located. The applicant shall forward to the district director of internal revenue the original and copy of the approved Form 428. The district director of internal revenue may issue the exact number of stamps requisitioned thereon even though it is necessary to use portions of sheets. The district director of internal revenue will enter the serial numbers of the stamps issued and stamp the date of issue on both copies of Form 428. He will retain the original copy and send the remaining copy to the proper assistant regional commissioner.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.68 *Overprinting of red strip stamps.* The importer, or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be, shall have indelibly overprinted in plain and legible letters on each of the red strip stamps, at his expense, the name and address of the importer, which shall, for example, be as follows: "John Doe & Co., Baltimore, Md." He shall submit the stamps to the collector of customs, who will verify the overprinting and make an endorsement showing the verification on the retained original Form 1627 submitted with Form 428. The collector of customs will then (a) deliver the stamps to the importer or his duly authorized agent, for transmission to the bottler or exporter abroad, as provided by Subpart F; or (b) deliver them to the importer, or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be, for affixing to the container under customs supervision, as prescribed by Subparts G and H.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.69 *Manner of affixing red strip stamps.* The red strip stamps must be securely affixed to the containers with the use of a good adhesive. The adhesive used must be in proper liquid condition. Care must be taken to insure secure adherence of the stamp to the container. The stamp must be affixed in such a manner that it will be broken when the container is first opened, but so placed that a portion of the stamp will remain attached to the opened container.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.70 *Concealing or obscuring red strip stamps.* No part of the red strip stamp shall be concealed or obscured by any label or other covering, except that a cup may be placed over the opening of the container or the container may be placed in a carton, as provided in this section. Seals made of cellulose or other material which are shrunk or otherwise fitted over the necks of the containers and cover the stamps must be sufficiently transparent to permit the stamps to be plainly seen and the data thereon easily read. No cup or cap may be placed over the opening of a container and cover the stamp, unless such cup or cap is transparent or is so placed on the container that it may be readily removed at any time without injury to the stamp and the arrangement is such that the ends of the stamp will be plainly visible when the cap or cup is in place. Cartons or other coverings of containers of distilled spirits are permitted, if so made that they may be opened and closed without being torn or broken. Sealed cartons or other coverings may not be used unless transparent or unless openings therein permit the data on the stamp and the indicia and penalty clause required by Part 175 of this subchapter on the container to be plainly seen and read.

(68A Stat. 602, 639; 26 U. S. C. 5008, 5214)

§ 251.71 *Affixing red strip stamp over cup or cap.* The red strip stamp may be affixed over a cup or cap placed over the opening of the container, provided the arrangement is such that the stamp will be broken when the cup or cap is unscrewed or removed. Where it is desired to affix the stamp over a removable cup or cap, the cup or cap must be securely screwed or fastened over the opening of the container. The stamp must be securely affixed, with a strong adhesive, to both the cup or cap and the container. Where it is desired to affix the stamp over a cap or seal made of cellulose or other similar adhesive material which is so shrunk or otherwise fitted over the neck of the container as to be unremovable without being destroyed, it will not be necessary for the ends of the stamp to be affixed to the surface of the container, but the cap or seal and stamp must be so affixed that a portion of each will remain attached to the container when it is opened. In any case where there is doubt as to the propriety of the use of any cup or cap, the container and cup or cap should be submitted to the assistant regional commissioner for a determination thereon.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.72 *Exportation of imported distilled spirits; red strip stamps.* Red strip stamps affixed to imported distilled spirits prior to arrival in the United States, which spirits are diverted by the importer for exportation purposes, shall be effectively destroyed by the exporter, under customs supervision, prior to exportation. Red strip stamps affixed to distilled spirits originating in the United States, evidencing the tax or indicating compliance with the provisions of chapter 51, I. R. C., shall not be removed at or prior to the time of exportation.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.73 *Withdrawal without payment of tax: red strip stamps.* The provisions of § 251.72, in regard to destruction of strip stamps on bottled spirits exported, shall be applicable to spirits withdrawn from customs custody free of tax for entry into the United States.

(68A Stat. 602; 26 U. S. C. 5008).

EXEMPTIONS

§ 251.74 *Exemption from stamping, marking, bottling, and labeling requirements.* The provisions of this part relating to the affixing of red strip stamps, the indicia requirements of containers prescribed by Part 175 of this subchapter, and the labeling of containers as prescribed by regulations promulgated under the Federal Alcohol Administration Act (Regulations 5, 27 CFR Part 5) are not applicable to imported distilled spirits (a) not for sale or for any other commercial purpose whatever; (b) on which no internal revenue tax is required to be paid on or before withdrawal from customs custody; (c) for use as ship stores; or (d) for personal use. Samples of distilled spirits imported for any purpose are not exempt from the stamping, marking, bottling, and labeling requirements. Exemptions from the requirement that imported distilled spirits, wines and beer be marked to indicate the country of origin are set forth in customs regulations (19 CFR Part 11).

(68A Stat. 602, 639; 26 U. S. C. 5008, 5214)

SUBPART F—RED STRIP STAMPS TO BE AFFIXED IN A FOREIGN COUNTRY

§ 251.80 *Conditions.* Red strip stamps to be affixed to containers of distilled spirits may, in accordance with the procedure prescribed in this subpart, be procured by importers to be affixed to the containers by the bottler or exporter in a foreign country.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.81 *Requisition, Form 428.* The importer, or his duly authorized agent, shall make requisition on Form 428, in accordance with § 251.64, and submit a sworn statement on Form 1627, as prescribed by § 251.65, for red strip stamps to be sent to the foreign bottler or exporter.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.82 *Approval of requisition.* The collector of customs will approve Form 428 if he is satisfied that the importer is the holder of an importer's basic permit (Form 1631) issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder (Regulations 1, 27 CFR Part 1) and that the red strip stamps are required for distilled spirits to be imported to supply existing orders and/or anticipated requirements within 30 days from the date of the requisition. He will dispose of Forms 428 and Form 1627 in accordance with § 251.66.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.83 *Procurement and overprinting of red strip stamps.* The importer, or his duly authorized agent, shall procure the red strip stamps from the district director of internal revenue as provided by § 251.67 and have them overprinted and verified as provided by § 251.68. After verification of the overprinting and the prescribed endorsement on Form 1627, the collector of customs will deliver the stamps to the importer, or his duly authorized agent, for transmission to the bottler or exporter abroad.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.84 *Marking of cases.* The foreign bottler or exporter will plainly and legibly mark the following legend on each case of containers of distilled spirits to which red strip stamps are attached:

The red strip stamps required by section 5008, I. R. C., are affixed to the containers of distilled spirits in this case, consisting of ______________________, bearing stamps of
(Number of containers)
_________________ denomination.

____
(Name of bottler or exporter)

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.85 *Endorsement of warehouse and consumption entries.* Upon arrival of the distilled spirits in this country, warehouse entries and consumption entries shall have endorsed thereon by the importer, or his duly authorized agent, the following legend:

Red strip stamps required by section 5008 I. R. C., were affixed abroad. These stamps were procured by________________________
(Name of importer)
requisition Form 428, Importer's No.______, approved by the Collector of Customs at ____________________________________ on
(Port where Form 428 was approved)
______________________________.
(Date of approval of Form 428)

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.86 *Credit of red strip stamps against requisition on arrival of distilled spirits at specified port.* Where warehouse and consumption entries are filed at the port where the requisition was approved, the collector of customs who approved the requisition will credit the Form 428 described in the endorsement on the entry referred to in § 251.85 with the number and denomination of red strip stamps shown by the usual customs examination to have been attached to the container.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.87 *Credit of red strip stamps against requisition on diversion of spirits to other than specified port.* In the event of diversion of all or part of the spirits to a port or ports other than the port specified in Form 1627 filed with the Form 428, the importer shall submit a supplemental statement in duplicate on Form 1627A, for each such port. He shall submit them to the collector of customs who approved the Form 428, who will retain the copy and transmit the original to the collector of customs at the designated port. Where a warehouse or consumption entry is filed at a specified port other than the port where the requisition was approved, the collector of customs of the port at which the warehouse or consumption entry is filed will promptly notify, on Form 1627A, the collector of customs who approved the Form 428 of the number and denomination of stamps shown by the usual customs examination to have been attached to the containers. The collector of customs who approved the requisition will credit the Form 428 accordingly. He will stamp on the copy of Form 1627A "Strip stamps credited", and send the copy to the importer who filed the application. Such importer may then take credit for the stamps on Form 96. Such diverted spirits may not be released from customs custody until Form 1627A has been received at the port of diversion or the collector of customs who approved Form 428 has authorized such release.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.88 *Irregularities or discrepancies in shipments.* In case any irregularities or discrepancies are found, the collector of customs at the port of entry will make demand for redelivery of unexamined packages, and will not release examined or redelivered packages until satisfactory explanation and/or proper corrections have been made.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.89 *Unused red strip stamps.* Unused red strip stamps returned to the importer by the bottler or exporter abroad, shall be submitted to the collector of customs who approved the original requisition Form 428, for noting such fact on the requisition. After proper notation has been made, the collector of customs will return the stamps to the importer (who will acknowledge receipt), and notify the proper assistant regional commissioner. If subsequently the importer desires to send such stamps to a bottler or exporter abroad, he must submit them with Form 1627 properly modified, in duplicate, to the collector of customs, who will note approval on the copy of Form 1627 and return it with the stamps to the importer. He will retain the original Form 1627. Where the distilled spirits are to be imported through more than one port, Form 1627A shall be submitted by the importer to such collector, for each port of entry, for certification and transmittal of a copy to the collector of customs at each of the ports at which warehouse or consumption entries will be filed. The importer shall make appropriate entries on his monthly report, Form 96, of the receipt and disposition of unused stamps covered by this section.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.90 *Credit for red strip stamps affixed to containers returned to a foreign bottler or exporter.* When for any reason containers of distilled spirits bearing red strip stamps are returned from customs custody to the foreign bottler or exporter, the importer may be given credit for such stamps, provided he obtains an affidavit from an excise official of the foreign government concerned to the effect that the stamps were removed from the containers and destroyed under his supervision. The importer shall submit such affidavit to the collector of customs who will credit the original requisition accordingly. The importer shall make appropriate entries on his monthly report, Form 96.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.91 *Credit for red strip stamps affixed to containers diverted by the importer for exportation.* The importer may be given credit for red strip stamps which were affixed to imported distilled spirits diverted by the importer for exportation purposes and which were effectively destroyed by the exporter under customs supervision, provided he obtains an affidavit from the customs officer to the effect that the stamps were removed from the containers and destroyed under his supervision. The importer shall submit such affidavit to the collector of customs who approved the original requisition for proper credit. The importer shall make appropriate entries on his monthly report, Form 96.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.92 *Breach of regulations, or failure to use red strip stamps.* Any breach of the provisions of this part, or failure to use the red strip stamps for the purpose for which they were procured within a period of six months, or within such additional extension of time as may be granted by the collector of customs, not satisfactorily explained to the collector of customs, will be grounds for denial of approval of further requisitions for stamps.

(68A Stat. 602; 26 U. S. C. 5008)

SUBPART G—RED STRIP STAMPS AFFIXED UNDER CUSTOMS SUPERVISION

§ 251.110 *Conditions.* Distilled spirits in containers imported without having red strip stamps attached may not be released from customs custody until a stamp has been affixed to each container, under the supervision of a customs officer. Stamps procured for such containers but not affixed within 48 hours after entry shall be placed in the custody of the collector of customs until such time as they are to be affixed to containers prior to removal from customs custody.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.111 *Requisition, Form 428.* Requisition for red strip stamps shall be made by the original importer or his duly authorized agent: *Provided,* That if the importer has gone out of business the requisition shall be made by the person having title to the distilled spirits. The requisition shall be submitted in accordance with § 251.64. Subsequent procedure shall conform to applicable provisions of §§ 251.66, 251.67, and 251.68.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.112 *Expense of affixing red strip stamps.* Expenses of cartage, storage, repacking, handling, or other labor connected with the opening of cases and affixing of red strip stamps to the containers, shall be borne by the importer, or by the subsequent purchaser of the distilled spirits referred to in § 251.111, as the case may be.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.113 *Marking of cases.* There shall be indelibly stamped upon each case by the customs officer supervising the affixing of red strip stamps to containers, the following legend:

Port of______________________, ___________
(Month)
________, 19__.
(Day)
This is to certify that on this date the red strip stamps required by Section 5008 I. R. C., were affixed, under my supervision, to the containers of distilled spirits in this case, consisting of _________________, __________,
(Number of containers)
bearing stamps of ______ denomination.

____
(Name)

____
(Official designation)

(68A Stat. 602; 26 U. S. C. 5008)

SUBPART H—IMPORTATION OF DISTILLED SPIRITS IN BULK

§ 251.120 *Persons authorized to receive distilled spirits imported in bulk.* Distilled spirits imported in bulk (i. e., in containers having a capacity in excess of 1 gallon) may be entered into a class 8 customs bonded warehouse for bottling, or may be withdrawn from customs custody only if entered for exportation or if withdrawn by a person to whom it is lawful to sell or otherwise dispose of distilled spirits in bulk pursuant to the Federal Alcohol Administration Act (49 Stat. 985, as amended; 27 U. S. C., 206) and Regulations 3 (27 CFR Part 3). The importation and disposition of distilled spirits imported in bulk shall be reported as prescribed by § 251.134.

(68A Stat. 619, 639, 681; 26 U. S. C. 5114, 5214, 5555)

§ 251.121 *Containers.* Imported distilled spirits may be bottled in either domestic or imported containers conforming to the provisions of Part 175 of this subchapter.

(68A Stat. 639; 26 U. S. C. 5214)

§ 251.122 *Red strip stamps.* Red strip stamps overprinted with the name and address of the original importer as prescribed by § 251.68 or stamps without any overprinting prescribed for domestic use (Part 230 of this subchapter), may be affixed to containers of imported distilled spirits bottled in a class 8 customs bonded warehouse. Stamps without any overprinting prescribed for domestic use (Part 230 of this subchapter) shall be affixed by the bottler to containers of imported distilled spirits bottled after withdrawal from customs custody.

(68A Stat. 602; 26 U. S. C. 5008)

SUBPART I—IMPORTER'S RECORDS AND REPORTS

RECORD AND REPORT OF RED STRIP STAMPS

§ 251.130 *Monthly record and report, Form 96.* Importers of distilled spirits shall keep records and render reports of red strip stamps on Form 96.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.131 *Monthly record, part I, Form 96.* Importers shall keep a record of red strip stamps procured and used daily on part I of Form 96. A separate page in single copy is required for each denomination of stamps. Entries shall be made on Form 96 daily, as indicated by the headings of the various columns and lines, and in accordance with the instructions on the form. The record shall be kept in bound form for a period of two years, and during such period shall be available during business hours for inspection by internal revenue officers.

(68A Stat. 612, 619; 26 U. S. C. 5008, 5114)

§ 251.132 *Monthly report, parts II and III, Form 96.* At the close of the month, importers shall prepare parts II and III of Form 96, in triplicate, reporting on part II the red strip stamps procured and used during the month, and on part III the stamps shipped abroad to importer's agents. On or before the tenth day of the succeeding month, one copy shall be forwarded to the assistant regional commissioner, of the region in which the business of the importer is conducted, and one copy to the collector of customs, who approved the importer's requisitions. The remaining copy shall be retained in bound form with the importer's copies of part I, Form 96, for the same month, available for inspection by internal revenue officers.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.133 *Separate record for each place of business.* Where an importer has more than one place of business, a separate record on part I of Form 96 shall be maintained on the premises of each place of business. A separate monthly report (parts II and III) shall also be rendered for each place of business. Where an agent procures stamps for several importers, the agent shall keep a separate record for each importer on part I of Form 96 of all stamps sent abroad or retained on his premises for the account of the importer. Separate monthly reports (parts II and III) shall be rendered by the agent in the name of each importer, to the assistant regional commissioner of the region in which the stamps are procured.

(68A Stat. 602, 681; 26 U. S. C. 5008, 5555)

RECORD AND REPORT OF IMPORTED DISTILLED SPIRITS

§ 251.134 *Record and report, Form 52E.* Every importer who imports and sells distilled spirits in bulk shall keep at the place of business covered by his wholesale liquor dealer special tax stamp, Form 52E, of all distilled spirits, both bulk and bottled, imported and disposed of by him: *Provided,* That, if the importer so desires, he may keep Form 52E for bulk spirits only and Record 52 for bottled spirits only. If only bottled spirits are imported, he shall keep Record 52. The receipt of imported distilled spirits, both bulk and bottled, shall be entered on part 1, of Form 52E or bottled distilled spirits on Record 52, as the case may be, as of the time of making the customs entry. The disposition of such distilled spirits shall be entered on part 2 of Form 52E or Record 52, as the case may be, as of the time of their sale or their taxpayment and withdrawal from customs custody. If the importer enters the distilled spirits into a class 8 customs bonded warehouse for bottling, he shall note such temporary disposition of the distilled spirits in bulk on part 2 of Form 52E and, upon completion of their bottling, enter the bottled distilled spirits on part 1 of Form 52E or Record 52, as the case may be. He shall then report the disposition of the bottled distilled spirits on part 2 of Form 52E or Record 52, as the case may be, at the time of their sale or their taxpayment and withdrawal from customs custody. Wholesale liquor dealers who import or purchase in customs bond distilled spirits for exportation, or who acquire distilled spirits in a foreign country for direct shipment to a foreign customer, are not required to keep Form 52E or Record 52 and need not submit transcripts or monthly summaries thereof as to such operations.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.135 *Record of warehouse receipts to be kept by importer.* Every importer who sells, or offers for sale, distilled spirits by warehouse receipts shall keep a separate record, and render a monthly transcript, of all purchases and sales of warehouse receipts on Form 52F. There need not be entered on Form 52F transactions in warehouse receipts not involving the purchase or sale of distilled spirits, such as the receipt from a warehouseman of warehouse receipts covering the deposit or bottling of spirits in his warehouse or the surrender of warehouse receipts for the bottling of the spirits in bond or their transfer in bond to another warehouse. Entries on Form 52F shall be made as indicated by the headings of the columns and lines on the form and in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part. The provisions of § 251.138 with respect to the time of making entries, and of § 251.144 with respect to forms to be provided by users, are hereby made applicable to Form 52F. The provisions of § 251.139 with respect to a separate record of serial numbers of cases are hereby made applicable to Form 52F with respect to serial numbers of packages and cases purchased or sold by warehouse receipts. The monthly transcript on Form 52F shall be forwarded to the assistant regional commissioner on or before the tenth day of the succeeding month. The importation of distilled spirits, and the disposition of such spirits from customs custody at the time of their sale or withdrawal therefrom, shall continue to be reported on Form 52E or Record 52, as the case may be, in accordance with the provisions of § 251.134. The physical receipt and disposition of distilled spirits at the importer's wholesale liquor dealer premises shall continue to be reported on Record 52 in accordance with the provisions of § 251.137.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.136 *Place where Form 52F shall be kept.* Every importer shall keep Form 52F at the place of business where warehouse receipts are sold or offered for sale.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.137 *Record 52.* Every importer who maintains wholesale liquor dealer premises where bottled distilled spirits are received and stored, shall keep Record 52 of all bottled distilled spirits received and disposed of thereat (including bottled spirits transferred from customs custody) in accordance with Part 194 of this subchapter, in addition to a record on Form 52E or Record 52, as the case may be, as prescribed by § 251.134.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.138 *Time of making entries.* Daily entries shall be made on Record 52 and Form 52E, as indicated by the headings of the various columns, and in accordance with instructions printed thereon, before the close of the business day next succeeding the day on which the transactions occur. Where the importer defers the making of the entries to the next business day, as authorized in this section, he shall keep a separate record, such as invoices, of the removals of distilled spirits showing the removal data required to be entered on Record 52 and Form 52E, and appropriate memoranda of other transactions required to be entered on such records, for the purpose of making the entries correctly.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.139 *Separate record of serial numbers of cases.* Serial numbers of cases of distilled spirits disposed of need not be entered on Record 52 or Form 52E, provided the respective proprietor keeps in his place of business a separate record, approved by the assistant regional commissioner, showing such serial numbers, with necessary identifying data, including the date of removal and the name and address of the consignee. Such separate record may be kept in book form (including loose-leaf books) or may consist of commercial papers, such as invoices or bills. Such books, invoices, and bills shall be preserved for a period of two years and in such a manner that the required information may be ascertained readily therefrom, and during such period, shall be available during business hours for inspection and the taking of abstracts therefrom by internal revenue officers. Entries shall be made on such separate approved record before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, as authorized in this section, appropriate memoranda shall be maintained for the purpose of making the entries correctly. The importer, whose separate record has been approved by the assistant regional commissioner, shall note in the column for reporting serial numbers that, "Serial numbers shown on commercial records per authority, dated ----."

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.140 *Reports.* Except as otherwise provided in this section, the importer shall file, daily, full and complete transcripts of Form 52E (parts 1 and 2) or Record 52, as the case may be, on Forms 52E (parts 1 and 2) or 52A and 52B with the assistant regional commissioner, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided,* That in any case in which the assistant regional commissioner shall direct, the transcripts shall be so filed with the supervisor in charge, Alcohol and Tobacco Tax, instead of with the assistant regional commissioner. The transcripts shall bear the following certification signed by the person or officer authorized to sign Form 52E or 338:

I hereby certify that these transcripts consisting of -------- pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the assistant regional commissioner shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the tenth day of the month succeeding the month in which the transactions in distilled spirits occurred. In such event, transactions will be entered on Form 52E and Record 52 in accordance with the provisions of § 251.138. Monthly summary reports on Form 52E (part 3) and Form 338 (where Record 52 is kept) shall be prepared in duplicate, one copy of which will be retained on file and the original forwarded to the assistant regional commissioner on or before the tenth day of the month succeeding the month in which the transactions in distilled spirits occurred. Records kept on Form 52E and Record 52 shall be preserved for a period of two years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by any internal revenue officer.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

ADDITIONAL REQUIREMENTS

§ 251.141 *Where importer ships direct to consignee.* The importer shall report, on Form 52E, part 2, and when Record 52 is kept, on part 2 and on transcript, Form 52B, the name and address of each consignee, in the column now designated "Name". In the column now designated "Address", there will be reported the name and address of the person, firm or corporation paying (by advancement or reimbursement) either tax, bottling charge, brokerage fee, handling charge, or clearance fee, indicating which are included. The heading of both columns will be amended accordingly.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.142 *Where importer ships to a consignee on the order of another wholesale liquor dealer.* Where the importer ships or delivers distilled spirits to a consignee on the order of another wholesale liquor dealer, detailed records of the transactions shall be kept on Form 52E by the importer making the shipment or delivery, on Record 52 by the wholesale liquor dealer giving the order, and on Record 52 by the consignee if he is a wholesale liquor dealer. For example, assuming that importer (A) ships or delivers the distilled spirits to consignee (C) on the order of wholesale dealer (B), entries will be made on the prescribed forms as follows:

(a) Importer (A) will show in his Form 52E the name and address of wholesale dealer (B) who ordered the distilled spirits, as well as the name and address of consignee (C), the person to whom the distilled spirits are actually shipped or delivered;

(b) Wholesale dealer (B) will show in his Record 52 that the distilled spirits were purchased from importer (A), giving both the name and address of (A), and will at the same time make an entry showing that the distilled spirits were shipped or delivered by (A) to consignee (C) giving the name and address of (C); and

(c) Consignee (C), if a wholesale liquor dealer, will show in his Record 52 that the distilled spirits were purchased from wholesale dealer (B) and received by him from importer (A), giving name and address of both. A copy of Form 52E and transcripts of Record 52 on Forms 52A and 52B, required to be filed with the assistant regional commissioner, will similarly show the details of such transactions.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.143 *Where importer keeps Record 52.* Where the importer keeps Record 52 and is a party to transactions similar to those described in § 251.142, he shall make similar entries of such transactions in Record 52; and the transcripts on Forms 52A and 52B required to be filed with the assistant regional commissioner, will likewise show the details of the transactions.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.144 *Forms to be provided by users at own expense.* Form 52E, Record 52, and Forms 52A, 52B, 52F, and 338 shall be provided by importers at their own expense, but must be in the form prescribed: *Provided,* That with the approval of the Director, Alcohol and Tobacco Tax Division, they may be modified to adapt their use to tabulating or other mechanical equipment: *Provided further,* That where the form is printed in book form, including loose-leaf books, the instructions may be printed on the cover or the fly leaf of the book instead of on the individual form.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

SUBPART J—REPORTS OF COLLECTORS OF CUSTOMS

§ 251.155 *Semiannual reports of collectors of customs.* Collectors of customs will furnish the assistant regional commissioner as of June 30 and December 31 of each year a consolidated report showing the name of the importer, and the number and denomination of red strip stamps procured on requisitions, Form 428, approved by them, and not credited against such requisitions.

(68A Stat. 602; 26 U. S. C. 5008)

SUBPART K—DISPOSITION OF RED STRIP STAMPS

§ 251.160 *Disposition of strip stamps.* The importer who discontinues or sells his business shall recall from his agents abroad all unused stamps in their custody. He shall submit his entire stock of unused stamps, accompanied by a report, in triplicate, of inventory, by denominations, serial numbers, and quantity, to the collector of customs for crediting of the respective Forms 428. The collector of customs will then destroy the stamps and after such destruction, will note the action taken on all copies of the inventory. He shall retain one copy of the inventory, return one copy to the importer, and forward the original copy to the assistant regional commissioner. The importer will note the disposition of the stamps on Form 96, will mark the report "Final", and submit the report to the assistant regional commissioner within five days of the return and destruction of the stamps.

(68A Stat. 602; 26 U. S. C. 5008)

[F. R. Doc. 55-4164; Filed, May 20, 1955; 8:50 a. m.]

PART 295—REMOVAL OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, FOR USE OF THE UNITED STATES

Preamble. 1. These regulations, 26 CFR Part 295, "Removal of Tobacco Products and Cigarette Papers and Tubes Without Payment of Tax, for Use of the United States," supersede 26 CFR (1939) Part 140, Subpart P, "Tax-Free Shipment of Tobacco, Snuff, Cigars, Cigarettes, and Cigarette Papers and Tubes, for Use of United States," and are promulgated in order to implement the Internal Revenue Code of 1954.

2. These regulations shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

AUTHORITY: §§ 295.1 to 295.59 issued under 68A Stat. 917; 26 U. S. C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 295.1 *Removal of tobacco products and cigarette papers and tubes, without payment of tax, for use of the United States.* This part contains the regulations governing the removal of manufactured tobacco, cigars, cigarettes, cigarette tubes, and taxable cigarette papers, without payment of tax, for shipment to Federal agencies and institutions for use of the United States.

§ 295.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part. Information called for thereon shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 295.10 *Meaning of terms.* The terms used in this part shall have the meanings ascribed in this subpart, unless the context otherwise indicates.

§ 295.11 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to and functions under the direction and supervision of the Regional Commissioner.

§ 295.12 *Cigar.* "Cigar" shall mean any roll of tobacco wrapped in tobacco.

§ 295.13 *Cigarette.* "Cigarette" shall mean any roll of tobacco, wrapped in paper or any substance other than tobacco.

§ 295.14 *Cigarette paper.* "Cigarette paper" shall mean paper, or any other material except tobacco, prepared for use as a cigarette wrapper.

§ 295.15 *Cigarette papers.* "Cigarette papers" shall mean taxable packages, books, or sets, of cigarette paper.

§ 295.16 *Cigarette tube.* "Cigarette tube" shall mean cigarette paper made into a hollow cylinder for use in making cigarettes.

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

§ 295.18 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division," shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 295.19 *Factory.* "Factory" shall mean the premises of a manufacturer of tobacco, cigars and cigarettes, or cigarette papers and tubes in which he carries on such business.

§ 295.20 *Inclusive language.* Words in the plural form shall include the singular, and vive versa, and words in the masculine gender shall include the feminine, partnerships, associations, companies, corporations, estates, and trusts.

§ 295.21 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 295.22 *Manufactured tobacco.* "Manufactured tobacco" shall mean all tobacco, other than cigars and cigarettes, prepared, processed, manipulated, or packaged for consumption by smoking or for use in the mouth or nose. Any other tobacco not exempt from tax under Chapter 52, I. R. C., which is sold or delivered to any person contrary to such chapter and regulations thereunder, shall be regarded as manufactured tobacco.

§ 295.23 *Manufacturer of cigarette papers and tubes.* "Manufacturer of cigarette papers and tubes" shall mean every person who makes up cigarette paper into packages, books, or sets, on which tax is imposed, or into tubes, except for his own personal use or consumption or solely for use by him in the manufacture of cigarettes.

§ 295.24 *Manufacturer of cigars and cigarettes.* "Manufacturer of cigars and cigarettes" shall mean every person who produces cigars or cigarettes, except for his own personal consumption.

§ 295.25 *Manufacturer of tobacco.* "Manufacturer of tobacco" shall mean every person who manufactures tobacco by any method of preparing, processing, or manipulating, except for his own personal consumption or use; or who packages any tobacco for consumption by smoking or for use in the mouth or nose; or who sells or delivers any tobacco, not exempt from tax under Chapter 52, I. R. C., to any person, contrary to the provisions of such chapter and regulations thereunder. The term "manufacturer of tobacco" shall not include (a) a farmer or grower of tobacco who sells leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco which sells only leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm; or (b) a dealer in tobacco materials who handles tobacco solely for sale, shipment, or delivery, in bulk, to another dealer in such materials or to a manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States.

§ 295.26 *Person.* "Person" shall mean and include an individual, partnership, association, company, corporation, estate, or trust.

§ 295.27 *Region.* "Region" shall mean the area, designated by the Secretary or his delegate, comprising the geographical jurisdiction of a regional commissioner of internal revenue.

§ 295.28 *Regional commissioner.* "Regional commissioner" shall mean the Regional Commissioner of Internal Revenue of an internal revenue region.

§ 295.29 *Removal or remove.* "Removal" or "remove" shall mean removal of tobacco products or cigarette papers or tubes from the factory.

§ 295.30 *Revenue officer.* "Revenue officer" shall mean any officer or employee of the United States acting in connection with any internal revenue law of the United States.

§ 295.31 *Tobacco products.* "Tobacco products" shall mean manufactured tobacco, cigars, and cigarettes.

§ 295.32 *U. S. C.* "U. S. C." shall mean the United States Code.

SUBPART C—GENERAL

§ 295.40 *Authority of revenue officers to enter premises.* Any revenue officer may enter in the daytime any premises where tobacco products or cigarette papers or tubes removed under this part are kept, so far as it may be necessary for the purpose of examining such articles. When such premises are open at night, any revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any revenue officer or permit him to examine the articles removed under this part shall be liable to the penalties prescribed by law for the offense.

(68A Stat. 872, 903; 26 U. S. C. 7342, 7606)

§ 295.41 *Interference with administration.* Whoever, corruptly or by force or threats of force, endeavors to hinder or obstruct the administration of this part, or endeavors to intimidate or impede any revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation or intended violation of this part, shall be liable to the penalties prescribed by law.

(68A Stat. 855; 26 U. S. C. 7212)

§ 295.42 *Unlawful diversion of tobacco products or cigarette papers or tubes.* Any person who diverts, for purposes of taxable consumption or use, tobacco products or cigarette papers or tubes removed under this part, without payment of tax, shall be liable for the tax thereon and may also be subject to other penalties prescribed by law for such offense. Such articles, as well as any other property possessed with intent to defraud the United States or intended for use in violating the provisions of this part, are subject to forfeiture to the United States.

(68A Stat. 716, 717, 718; 26 U. S. C. 5751, 5761, 5762, 5763)

SUBPART D—RESTRICTIONS AND REQUIREMENTS

§ 295.50 *Removal restricted.* Tobacco products and cigarette papers and tubes may be removed, without payment of tax, in accordance with this part for shipment only to Federal agencies and institutions for gratuitous distribution (but not for sale) in the United States.

(68A Stat. 708, 900; 26 U. S. C. 5704, 7510)

§ 295.51 *Federal requisition.* Whenever tobacco products or cigarette papers or tubes are purchased by a Federal agency or institution for the use of the United States, and it is proposed to remove such tobacco products or cigarette papers, or tubes without payment of tax, under this part, the agency or institution desiring the articles shall prepare a requisition on Form 7996 for each separate shipment of such articles. Each such requisition shall be assigned a number by the agency or institution preparing the form. The agency or institution shall retain one completed copy of the requisition, which shall be made available for inspection by any revenue officer upon his request, and transmit two such copies to the manufacturer concerned at the time of placing the order. One copy of this requisition shall be retained by the manufacturer at the factory from which the tobacco products or cigarette papers or tubes are removed, as a part of his records, for one year after the close of the year in which such articles are removed, and shall be made available for inspection by any revenue officer upon his request. The manufacturer shall forward one copy of the requisition to the assistant regional commissioner as required by § 295.52.

§ 295.52 *Notice of removal.* For each shipment of tobacco products or cigarette papers or tubes removed, without payment of tax, under this part, the manufacturer shall prepare a notice of such removal on Form 7997. The manufacturer shall enter on each such notice of removal a number in a series beginning with number 1 with respect to the first removal made under this part, and beginning again with number 1 with respect to the first removal made on January 1 of each year thereafter, which number shall be the same on all copies of the respective notice. Immediately after removal of the tobacco products or cigarette papers or tubes, as described on the notice of removal, the manufacturer shall forward a copy of such notice, with a copy of the related requisition, Form 7996, as required by section 295.51, to the assistant regional commissioner for the region in which is located the factory from which the tobacco products or cigarette papers or tubes were removed. One copy of the notice of removal shall be retained by the manufacturer at the factory, as a part of his records, for one year after the close of the year in which the tobacco products or cigarette papers or tubes are removed, and shall be made available for inspection by any revenue officer upon his request.

§ 295.53 *Packages, and label or notice.* All tobacco products and cigarette papers and tubes shall, before removal under this part, be put up by the manufacturer thereof in packages similar to packages of like articles removed for taxable purposes, as required by Parts 270, 275, and 285 of this subchapter. Every such package shall bear a label or notice containing in legible letters the words "Tax-exempt. For Use of U. S. Not to be sold." Such label or notice shall be readily distinguishable from a tax stamp, or a stamp, label, or notice, required on packages of similar articles to evidence tax. The manufacturer may include any additional words, inscription, or legend on such label, or in such notice, when approved by the appropriate assistant regional commissioner.

§ 295.54 *Mark.* Every package of tobacco products and cigarette papers and tubes shall, before removal under this part, identify the manufacturer of such tobacco products and cigarette papers and tubes by having legibly imprinted thereon, or on the label or notice required by § 295.53, either the name and location of the manufacturer, or his permit number.

§ 295.55 *Class designation for large cigars.* Every package of large cigars removed under this part shall have legibly imprinted thereon, or on a label securely affixed thereto, the class designation of such cigars similar to that required by Part 270 of this subchapter with respect to such cigars.

§ 295.56 *Records and reports of removals.* Tobacco products and cigarette papers and tubes removed under this part shall be accounted for in the factory records and reports of the manufacturer thereof as prescribed in the regulations requiring such records and reports (Parts 270, 275, 285 of this subchapter).

§ 295.57 *Removal in bond.* Each removal of tobacco products or cigarette papers or tubes under this part shall be made under the bond filed by the manufacturer thereof to cover the operation of his factory from which the tobacco products or cigarette papers or tubes were removed.

§ 295.58 *Certificate of receipt.* The officer responsible for receiving a shipment of tobacco products or cigarette papers or tubes delivered to an agency or institution under this part shall, upon receipt of the shipment, inspect it in order that he may certify as to the quantity, kind, and class of articles actually received and date of receipt. Such certificate shall be executed on Form 7998. The receiving officer shall retain one completed copy of such certificate, which shall be made available for inspection by any revenue officer upon his request, and he shall transmit two such copies promptly to the manufacturer who shipped the tobacco products or cigarette papers or tubes. The manufacturer shall keep one copy of the certificate, Form 7998, at the factory from which the tobacco products or cigarette papers or tubes were removed, for his records and for inspection by any revenue officer upon his request. The manufacturer shall promptly forward the other completed copy of the Form 7998 to the assistant regional commissioner for the region in which such factory is located, in order that the manufacturer may be relieved of liability to tax on the tobacco products or cigarette papers or tubes actually received by the agency or institution.

§ 295.59 *Tax liability.* Responsibility for the tax on tobacco products or cigarette paper or tubes removed under this part shall rest upon the manufacturer making the removal until proper evidence to remove such liability is furnished by the manufacturer. Where there is a shortage between the quantity or number of tobacco products or cigarette papers or tubes removed, as described on the notice of removal, and that received by the Federal agency or institution to which such tobacco products or cigarette papers or tubes were consigned, as evidenced by the certificate of receipt, Form 7998, executed by the agency or institution, the manufacturer shall be responsible for payment of the tax on such shortage.

Effective date. These regulations shall be effective on the date of publication in the FEDERAL REGISTER.

Because the changes made by these regulations are either of a liberalizing nature or relate merely to form and not substance, it is found that it is unnecessary to issue these regulations with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: May 17, 1955.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 55-4163; Filed, May 20, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 701, 705, 713]

PLASTIC PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE RATES

On September 14, 1954, pursuant to section 5 of the Fair Labor Standards Act, as amended (hereinafter called the act), the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 440, as amended by Administrative Order No. 442, dated November 1, 1954, appointed Special Industry Committee No. 16-C for Puerto Rico (hereinafter called the Committee) and directed the Committee to investigate conditions in the plastic products industry in Puerto Rico (hereinafter called the industry), and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industry.

For purposes of investigating conditions in and recommending minimum wages for the plastic products industry in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico with due regard to the geographical regions in which the industry is carried on.

After investigating economic and competitive conditions in the Industry, as defined in Administrative Order No. 440, the Committee filed with the Administrator a report containing the following recommendations: (1) That the plastic products industry in Puerto Rico should be divided in separable divisions for the purpose of fixing minimum wage rates and that these separable divisions should be entitled and defined as (a) the sprayer and vaporizer division, (b) the wall tile, dinnerware, and phonograph records division, and (c) the general division; and (2) that a minimum wage of 75 cents an hour should be paid in the sprayer and vaporizer division, a minimum wage of 60 cents an hour should be paid in the wall tile, dinnerware, and phonograph records division, and a minimum wage of 53 cents an hour should be paid in the general division, to employees who are engaged in commerce or in the production of goods for commerce.

Pursuant to notice published in the FEDERAL REGISTER on January 8, 1955 (20 F. R. 229) and circulated to all known interested parties, a public hearing upon the Committee's recommendations was held before Hearing Examiner E. West Parkinson, as presiding officer, on February 14, 1955 in Washington, D. C., at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all of the evidence adduced in this proceeding, and giving due consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendation of the Committee for division of the plastic products industry in Puerto Rico into separate and distinct divisions to be known as the sprayer and vaporizer division, the wall tile, dinnerware and phonograph records division, and the general division, together with the recommendations of the Committee for a minimum wage rate of 75 cents an hour in the sprayer and vaporizer division, a minimum wage rate of 60 cents an hour in the wall tile, dinnerware and phonograph records division, and a minimum wage rate of 53 cents in the general division, as hereinafter defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the matter of the Recommendations of Special Industry Committee No. 16-C for Puerto Rico for Minimum Wage Rates in the Plastic Products Industry in Puerto Rico", a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding that (1) I propose to amend 29 CFR, Parts 701 and 705 to the extent that it applies to the Plastic Products Industry in Puerto Rico, as hereinafter defined, and (2) I propose to issue a wage order for the Plastic Products Industry in Puerto Rico to be contained in 29 CFR Part 713, as follows:

PART 713—PLASTIC PRODUCTS INDUSTRY IN PUERTO RICO

AUTHORITY: §§ 713.1 to 713.4 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208.

§ 713.1 *Approval of recommendations of industry committee.* The Committee's recommendations are hereby approved.

§ 713.2 *Wage rates.* (a) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the sprayer and vaporizer division of the plastic products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 60 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the wall tile, dinnerware, and phonograph records division of the plastic products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 53 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the general division of the plastic products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 713.3 *Notice of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the plastic products industry in Puerto Rico shall post in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notices as the Division may prescribe.

§ 713.4 *Definition of the plastic products industry in Puerto Rico, and divisions thereof.* (a) (1) The plastic products industry in Puerto Rico to which this part shall apply is hereby defined as follows: The manufacture of molded or other fabricated plastic products: *Provided, however,* That the definition shall not include (i) the manufacture of primary materials such as sheets, rods, tubes, granules, powders, or liquids, (ii) the sawing, cutting, grinding, polishing, and other processing of synthetic jewels for industrial use, (iii) the manufacture of buttons, buckles, and jewelry (including rosaries), and jewelry findings (including beads), (iv) the manufacture from pliable plastics in sheet form of ornaments and decorations for Christmas and other holidays, party favors and souvenirs, and similar items primarily ornamental or decorative in character; (v) or any activity included in the leather, leather goods, and related products industry; the paper, paper products, printing, publishing and related industries; the shoe manufacturing and allied industries; the textile and textile products industry; the needlework and fabricated textile products industry; the men's and boy's clothing and related products industry; or the corsets, brassieres, and allied garments industry, as defined in the wage orders for these industries in Puerto Rico. This definition supersedes the definition for the decorations and party favors industry with respect to the manufacture of plastic articles other than those made from pliable sheet or film.

(2) The definition contained in subparagraph (1) of this paragraph supersedes the definitions contained in any and all wage orders issued heretofore for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

(b) The separable divisions of the industry defined in paragraph (a) (1) of the section, to which this part shall apply are hereby defined as follows:

(1) *Sprayer and vaporizer division.* This division consists of the manufacture of plastic sprayers, vaporizers, and atomizers.

(2) *Wall tile, dinnerware, and phonograph records division.* This division consists of the manufacture of plastic wall tiles, dinnerware, and phonograph records.

(3) *General division.* This division consists of all products and activities included in the plastic products industry as defined in Administrative Order No. 440, except products and activities included in the sprayer and vaporizer division, and the wall tile, dinnerware, and phonograph records division as defined herein.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER interested persons may submit written exceptions to the proposed actions described. Exceptions should be submitted in quadruplicate to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., and should include supporting reasons therefor.

Signed at Washington, D. C., this 17th day of May 1955.

STUART ROTHMAN,
Solicitor of Labor.

[F. R. Doc. 55-4161; Filed, May 20, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

FLORIDA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 17, 1955.

The Fish and Wildlife Service, Department of the Interior, has filed an application, Misc. No. 1949862, for the withdrawal of the lands described below, from all forms of appropriation, subject to valid existing rights. The applicant desires the land for Sanibel National Wildlife Refuge.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned officials of the Bureau of Land Management, Department of the Interior, Washington 25, D. C.

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

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

The lands involved in the application are:

TALLAHASSEE MERIDIAN

T. 46 S., R. 21 E.,
Sec. 12, lots 3 and 4.
T. 46 S., R. 22 E.,
Sec. 7, lots 1 and 2;
Sec. 8, lots 2 and 3;
Sec. 17, lot 6;
Sec. 18, lots 3 and 6;
Sec. 23, SE¼SE¼;
Sec. 24, SW¼SW¼.
T. 46 S., R. 23 E.,
Sec. 19, NW¼NE¼, NE¼NW¼.

C. R. DREXILIUS,
Supervisor,
Eastern States Office.

[F. R. Doc. 55-4144; Filed, May 20, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

WHEAT

NOTICE OF REFERENDUM FOR MARKETING QUOTAS, 1956-57

Correction

In Federal Register Document 55-4043, published on page 3478 of the issue for Wednesday, May 18, 1955, the date "July 22, 1955," appearing in the last paragraph, should read "June 25, 1955."

FEDERAL POWER COMMISSION

[Docket No. G-2460]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

MAY 17, 1955.

Take notice that on May 2, 1955, Northern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at Omaha, Nebraska, filed an application to amend the Commission's order of August 27, 1954, issuing a certificate of public convenience and necessity for the construction of certain temporary facilities pertaining to a proposed gas storage reservoir near Redfield, Iowa. Applicant now seeks authority to construct and operate additional facilities for the limited purpose of large-scale testing of the proposed reservoir. It is anticipated that the facilities proposed will inject gas at a rate of at least 200 million cubic feet per day.

The cost of the facilities is estimated to be $4,816,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 3d day of June 1955. The application is on file with the Commission and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4145; Filed, May 20, 1955; 8:45 a. m.]

[Docket No. G-4653]

B. J. CROWLEY

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 17, 1955.

Take notice that B. J. Crowley (Applicant), an individual whose address is Box 581, Belpre, Ohio, filed an application on November 1, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas produced in Calhoun County, West Virginia, to Manufacturers Light and Heat Company and to Godfrey L. Cabot, Inc., at 20 cents and 12 cents per Mcf, respectively, for transportation in interstate commerce for resale.

Applicant, on March 8, 1955, requested permission to withdraw that portion of its application herein relating to its sale of natural gas to Ohio Fuel Gas Company, stating that such gas is sold and consumed within the State of Ohio and, therefore, is not subject to the jurisdiction of the Commission.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

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 June 6, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

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

[F. R. Doc. 55-4146; Filed, May 20, 1955; 8:45 a. m.]

[Docket No. G-5144]

H. S. COLE, JR., ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 17, 1955.

Take notice that H. S. Cole, Jr., et al., (Applicant), an individual whose address is 1404 City National Bank Building, Houston 2, Texas, filed an application on November 19, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas produced from the South Lewisburg Field, Acadia Parish, Louisiana, to Texas Northern Gas Corporation at 8.9970 cents per Mcf, for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1955, at 9:35 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

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 June 6, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

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

[F. R. Doc. 55-4147; Filed, May 20, 1955; 8:46 a. m.]

[Docket Nos. G-7586, G-8433]

CLINCHFIELD COAL CORP. AND KENTUCKY WEST VIRGINIA GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 17, 1955.

In the matter of Clinchfield Coal Corporation, Docket No. G-7586; Kentucky West Virginia Gas Company, Docket No. G-8433.

Take notice that there have been filed with the Federal Power Commission applications as indicated below:

Applicant	Address	Date filed	Docket No.
Clinchfield Coal Corp.	Dante, Va.	Jan. 18, 1955, and supplemented Mar. 23, 1955.	G-7586
Kentucky West Virginia Gas Co.	Ashland, Ky.	Feb. 2, 1955	G-8433

each for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the respective applicants to construct and operate facilities and render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Clinchfield Coal Corporation (Clinchfield) proposes to sell up to 12,750 Mcf per day of natural gas produced from acreage it controls in Dickenson, Buchanan and Wise Counties, Virginia, to Kentucky West Virginia Gas Company (Kentucky West Virginia) at $2.50 demand charge and an 18 cent commodity charge. Any surplus gas over and above the 12,750 Mcf per day will be sold to Kentucky West Virginia at a price of 26.22 cents per Mcf.

Clinchfield proposes to build a gathering system and a 16.2 mile 12-inch transmission line from its producing area to a connection with a proposed line of Kentucky West Virginia at the Virginia-Kentucky state line. It estimates the total cost of its facilities at $785,000.

Kentucky West Virginia requests authority to construct and operate 32 miles of 12-inch transmission line extending from the proposed Clinchfield 12-inch line at the Virginia-Kentucky state line to a connection with its existing system near Maytown, Kentucky. In addition, Kentucky West Virginia proposes to build 4 miles of 12-inch line connecting its existing Shelby Creek producing properties in Kentucky to the proposed new 12-inch line in order to provide a new outlet for its Shelby Creek gas and increase the deliverability therefrom.

Kentucky West Virginia will use the gas purchased from Clinchfield and the facilities herein proposed, principally for replacing the shrinkage in volume of gas resulting from the operation of a proposed new hydrocarbon extraction plant to be built and operated by a new subsidiary of Kentucky West Virginia, called the Kentucky Hydrocarbon Company (Hydrocarbon). The extracted liquid hydrocarbons will be sold by Hydrocarbon to Union Carbide and Carbon Company at Institute, West Virginia for use in the manufacture of chemical products useful to the national defense.

The estimated capital cost of the facilities proposed by Kentucky West Virginia is $1,455,000 to be financed by its issuance of not in excess of $1,500,000 of promissory notes to the Mellon National Bank and Trust Company at 3⅜ percent.

Applicants have requested that their respective applications be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32) of the Commission's rules of practice and procedure.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 9, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

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 1.7 or 1.10) on or before June 3, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

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

[F. R. Doc. 55-4148; Filed, May 20, 1955; 8:46 a. m.]

[Docket No. G-8789]

COLORADO OIL AND GAS CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 17, 1955.

Take notice that Colorado Oil and Gas Corporation (Applicant), a Delaware corporation whose address is 10th Floor, Denver Club Building, Denver 2, Colorado, filed an application on April 25, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Greenwood Field, Morton and Stanton Counties, Kansas, and in Baca County, Colorado, to Colorado Interstate Gas Company at 15 cents per Mcf, for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

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 June 6, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4149; Filed, May 20, 1955; 8:46 a. m.]

[Docket No. G-8902]

G. H. VAUGHN

ORDER SUSPENDING PROPOSED CHANGES IN RATES

G. H. Vaughn (Applicant), on April 18, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, undated...	Louisiana-Nevada Transit Co.	Supplement No. 3 to applicant's FPC gas rate schedule No. 3.	May 19, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by applicant if later.

This proposed increased is but one of a number of other rate increases which have been suspended and which relate to sales of natural gas from the Cotton Valley Field, Webster Parish, Louisiana, to Louisiana-Nevada Transit Company.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until October 19, 1955, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by § 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: May 11, 1955.

Issued: May 17, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4150; Filed, May 20, 1955; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRI-CONTINENT SERVICE

NOTICE OF FINAL DETERMINATIONS OF ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS

Notice is hereby given that the Maritime Administrator has considered the views and comments submitted by interested persons, firms and corporations with respect to his tentative determinations regarding the essentiality and United States flag service requirements of the Tri-Continent Service as published in the FEDERAL REGISTER of January 13, 1955 (20 F. R. 317) and, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, has affirmed those determinations and directed that his action with respect thereto be published in the FEDERAL REGISTER.

Dated: May 19, 1955.

By order of the Maritime Administrator.

[SEAL] THOS. E. STAKEM, Jr.,
Acting Secretary.

[F. R. Doc. 55-4204; Filed, May 19, 1955; 4:06 p. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF INTERIOR

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS IN CONNECTION WITH ACTIVITIES OF THE FISH AND WILDLIFE SERVICE

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called the act, authority is hereby delegated for a period of one (1) year from the date hereof to the Secretary of the Interior to negotiate without advertising, under section 302 (c) (4) of the act, contracts for surveyors, appraisers and architect-engineering services required in connection with the administration of the programs of the Fish and Wildlife Service.

2. This authority shall be exercised in accordance with the applicable limitations and requirements in the act, particularly sections 304 and 307, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

3. The authority herein delegated may be redelegated to any officer or employee of the Department of the Interior.

4. This delegation shall be effective as of the date hereof.

EDMUND F. MANSURE,
Administrator.

MAY 17, 1955.

[F. R. Doc. 55-4197; Filed, May 19, 1955; 3:07 p. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 18, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30636: Citrus pomace—Florida to Southwest. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on citrus pomace, pelletized or compressed, carloads, from specified points in Florida to specified points in Kansas, Louisiana, Missouri, and Oklahoma.

Grounds for relief: Analogous commodity and circuitous routes.

Tariff: Supplement 99 to Agent Kratzmeir's I. C. C. No. 4090 and four other tariffs.

FSA No. 30637: Petroleum and products between points in Texas. Filed by J. F. Brown, Agent, for interested rail carriers. Rates on petroleum and petroleum products, carloads between points in Texas included in schedule named below.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 42 to Agent Brown's I. C. C. 845.

FSA No. 30638: Commodity rates from and to Ladson, Ga. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on various commodities, other than coal and coke, carloads, between Ladson, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Additional station.

FSA No. 30639: Commodities—Official territory to the South. Filed jointly by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on commodities, various, in carloads, from specified points in official territory to specified points in southern territory.

Grounds for relief: Circuitous routes.

FSA No. 30640: Fertilizer compounds between points in southern territory. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on fertilizer compounds (manufactured fertilizers) noibn, dry, less-than-carloads, between points in southern territory.

Grounds for relief: Short-line distance formula, truck competition and circuity.

Tariff: Supplement 84 to Agent Spaninger's I. C. C. 1221.

By the Commission.

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

[F. R. Doc. 55-4157; Filed, May 20, 1955; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-227]

PUBLIC FINANCE SERVICE, INC.

NOTICE OF APPLICATION

MAY 16, 1955.

Notice is hereby given that Public Finance Service, Inc. (applicant) has filed an application under clause (ii) of section 310 (b) (1) of the Trust Indenture Act of 1939 for a finding by the Commission that trusteeship by Girard Trust Corn Exchange Bank, Philadelphia (Girard) successor trustee to National Bank of Germantown and Trust Company, Philadelphia (National) under an indenture dated December 1, 1942 (which indenture was heretofore qualified under the Trust Indenture Act of 1939) and trusteeship by said company under a proposed indenture to be dated as of June 1, 1955 (not to be qualified under the act) is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify said trustee from acting as such under the qualified indenture.

The application states:

(1) That applicant now proposes to authorize the issuance of debentures in the aggregate principal amount of not more than $1,000,000 (maturing December 1, 1972), to be known as its 6 percent Cumulative Debentures, 1955 Series, subject to a certain Debenture Agreement to be dated as of June 1, 1955, between the applicant and Girard, limiting the entire principal amount of securities at any time outstanding thereunder to $1,000,000 issuable thereunder and that the new indenture is exempted from qualification under the act by section 304 (a) (9) thereof;

(2) That applicant has outstanding $2,000,000 principal amount of unsecured 20 year 6 percent Cumulative Debentures due December 1, 1962, issued under the indenture dated December 1, 1942, which indenture was qualified under the act;

(3) That the applicant has outstanding an additional issue of $1,000,000 principal amount of unsecured 6 Percent Cumulative Debentures due December 1, 1962 issued under the indenture dated June 1, 1950 as to which the Commission issued an order pursuant to section 310 (b) (1) (ii) of the Trust Indenture Act finding that trusteeship by National under the 1942 indenture and under the 1950 indenture was not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify National from acting as such under the 1942 indenture and National continued to act as trustee under such indentures until its merger into Girard;

(4) That on September 11, 1953, National, by merger, was acquired by, and became a branch of Girard, a banking corporation organized under the laws of the Commonwealth of Pennsylvania, with its principal place of business in Philadelphia, Pennsylvania, and Girard became successor trustee under both indentures referred to above and has continued to act, and is currently acting, as such successor trustee;

(5) That the 1942 and 1950 indentures are, and the new indenture will be, wholly unsecured and that the provisions of the new indenture will be identical with the provisions of the 1942 indenture except that the new indenture will make appropriate changes in respect to dates and the aggregate principal amount of securities to be outstanding thereunder at any one time, that provisions of the act will be incorporated in the new indenture to the extent that they are considered by applicant to be reasonably applicable to an indenture exempted from the act's provisions and except for other inconsequential and largely formal differences as specified in the application; and

(6) That differences existing between the 1942 and the new indenture are not likely to involve a material conflict of interest in the trusteeship.

For a more detailed statement of the matters of fact and law asserted all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington 25, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time after May 26, 1955, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310 (b) (1) of the Trust Indenture Act of 1939. Any interested person may, not later than May 24, 1955 at 5:30 p. m., e. d. s. t., in writing submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

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

[F. R. Doc. 55-4151; Filed, May 20, 1955; 8:46 a. m.]

[File No. 54-156]

CENTRAL PUBLIC UTILITY CORP.

MEMORANDUM OPINION AND ORDER APPROVING PAYMENT OF A FEE AND EXPENSES

MAY 17, 1955.

This matter involves a fee claim. On September 5, 1947, we approved an amended plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by Central Public Utility Corporation ("Central Public"), a registered holding company (Holding Company Act Release No. 7691). This plan was concerned primarily with a reorganization of Consolidated Electric and Gas Company ("Consolidated"), then a registered holding company and a direct subsidiary of Central Public, and, among other things, provided for the distribution by Consolidated of the common stock of Atlanta Gas Light Company ("Atlanta") to the public holders of Consolidated's $6 Cumulative Preferred Stock. In our order approving the plan, we reserved jurisdiction with respect to the reasonableness and allocation of fees, expenses and other remuneration in connection with the plan.

On August 25, 1948, we issued our memorandum findings, opinion and order releasing jurisdiction over certain fees and expenses in this matter except for the fees and expenses of the Protective Committee for Consolidated's $6 Cumulative Preferred Stock ("Committee") and its counsel, Central Public Utility Corporation, __ S. E. C. __ (1948), Holding Company Act Release No. 8468. The fees and expenses requested by this

Committee, its counsel and experts aggregate $38,140 and $2,573.91, respectively. At that time we said:

* * * These fees are very large in relation to the fees sought by the others in the proceeding except for counsel to Central Public whose role was of course of a very different and more comprehensive nature. We have been unable to discern in the record, to date, what, if any, benefits have resulted from the participation of the Committee and its counsel and are not in a position to approve the requested amount or, indeed, any amount, without a further showing. We shall accordingly retain our jurisdiction with respect to their fees and disbursements while releasing it as to the others.

Subsequent to this decision, we had occasion to consider in broad outline our policy with respect to allowances to committees participating in Section 11 (e) reorganization. In New England Power Association, __ S. E. C. __ (1948), Holding Company Act Release No. 8751, we stated:

If such committees are duly organized and function diligently and in good faith, and not merely for the purposes of obstruction or to obtain compensation, we think they are entitled to compensation out of the estate for their reasonable fees and expenses. It may be that, however faithful and capable their representation, the plan will have been approved without substantial alteration. In such case, if the service rendered was only exploratory or "watchdog" service and did not effect any substantial change in the plan, the fee allowance would of course be quite modest, and the time and effort expended efficiently and in good faith would be the principal criteria. * * * As to protective committees duly organized and efficiently and properly functioning, reasonable fees and expenses will be allowed out of the estate whether or not we can point to any particular provision of the approved plan as directly due to their participation.

The Committee and its counsel thereafter reduced their original request and have agreed to accept the sum of $7,500 as a fee for their services plus expenses. On April 14, 1955, Central Public advised us that it consents to the issuance of an order approving the payment of not more than $7,500 as a fee and $2,573.91 for expenses in full satisfaction of the claim of the Committee, its counsel and experts for services rendered in this proceeding.

We have reconsidered the applicants' claim in the light of the full record and our announced policy in this regard. We believe that applicants' services and the compensation presently requested fall within the intendment of our decision in the New England Power Association case referred to above.

Accordingly, it is ordered, That the payment by Central Public to the Committee and its counsel and experts of $7,500 and $2,573.91 as a fee and expenses, respectively, be, and the same hereby is, approved and the jurisdiction heretofore reserved herein with respect thereto be, and the same hereby is, released.

By the Commission.

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

[F. R. Doc. 55-4155; Filed, May 20, 1955; 8:47 a. m.]

[File No. 54-209]

STANDARD POWER AND LIGHT CORP.

SUPPLEMENTAL ORDER WITH RESPECT TO FEES

MAY 17, 1955.

Wellerstein & Rosier, and Seibert & Riggs, counsel for Standard Power and Light Corporation ("Power"), a registered holding company, having on April 14, 1955 filed applications for approval of fees of $20,000 and $10,500, respectively, for legal services rendered by said firms in the above-entitled proceeding relating to Power's plan, dated January 22, 1953, filed under section 11 (e) of the Public Utility Holding Company Act of 1935 and involving the retirement of Power's then outstanding $7 Preferred stock; and

The Commission having heretofore approved said plan by orders dated May 18, June 3 and June 26, 1953 (Holding Company Act Release Nos. 11921, 11967 and 12024) subject to the condition that only such fees and expenses in connection with said plan and the transactions incident thereto shall be paid by Power as the Commission may approve on appropriate application made to it; and

The Commission having reviewed the record with respect to said applications and being of the opinion that the amounts requested are reasonable and are for necessary services and that an order should be entered approving the payment thereof:

It is ordered, That said applications hereby are approved and the jurisdiction heretofore reserved herein with respect thereto be, and the same hereby is, released.

By the Commission.

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

[F. R. Doc. 55-4156; Filed, May 20, 1955; 8:47 a. m.]

[File No. 70-3371]

BROCKTON EDISON CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF BONDS AT COMPETITIVE BIDDING

MAY 17, 1955.

Brockton Edison Company ("Brockton"), a public-utility subsidiary of Eastern Utilities Associates, a registered holding company, has filed an application and amendments thereto with this Commission pursuant to sections 6 (b) and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 (b) (2) and U-50 thereunder with respect to the following proposed transactions:

Brockton proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $6,000,000 principal amount of First Mortgage and Collateral Trust Bonds, __ percent Series, due 1985. The bonds will be issued under an Indenture of First Mortgage and Deed of Trust, dated September 1, 1948, as last supplemented by a Second Supplemental Indenture, dated as of May 1, 1954, and to be further supplemented by a Supplemental Indenture to be dated June 1, 1955.

The interest rate on the bonds (which shall be a multiple of 1/8 of 1 percent) and the price to be paid the company (which shall be not less than the principal amount thereof and not more than 102 3/4 percent of such principal amount plus accrued interest) will be determined by competitive bidding. The proceeds from the sale of the bonds will be used to retire $4,100,000 principal amount of outstanding First Mortgage and Collateral Trust Bonds, 3 5/8 percent Series, due 1983, to prepay without premium short-term promissory notes outstanding in the aggregate principal amount of $1,400,000, and to provide funds for the construction, completion and extension or improvement of Brockton's facilities.

The fees and expenses paid or to be paid by Brockton in connection with the issuance and sale of its mortgage bonds have been estimated by it to be as follows:

Filing fee, SEC	$630.00
Federal issue tax	6,600.00
Printing and engraving	17,700.00
Legal fees and expenses:	
Gaston, Snow, Rice & Boyd:	
Fee	4,500.00
Expenses	100.00
Keith, Reed & Wheatley:	
Fee	900.00
Expenses	---------
Fee for accounting services, Patterson, Teele & Dennis	1,200.00
Trustee's fee, including counsel fee of $1,750	4,600.00
Qualification of new bonds under Blue Sky Laws	1,500.00
Miscellaneous	1,770.00
Total	39,500.00

Ropes, Gray, Best, Coolidge & Rugg, independent counsel for the underwriters, have requested a fee of $4,000 for their services and have estimated their expenses at $100, such fees and expenses to be paid by the successful bidder.

The Department of Public Utilities of Massachusetts, the State commission of the State in which Brockton is organized and doing business, has authorized the issuance and sale of the bonds.

Brockton has requested that this Commission's order herein become effective forthwith upon issuance.

Due notice having been given of the filing of said application and a hearing not having been requested of or ordered by the Commission; the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted effective forthwith:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as amended, be, and hereby is, granted effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

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

[F. R. Doc. 55-4154; Filed, May 20, 1955; 8:47 a. m.]

[File No. 812-931]

ADAMS EXPRESS CO. AND AMERICAN INTERNATIONAL CORP.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

MAY 17, 1955.

Notice is hereby given that The Adams Express Company ("Adams") and its majority owned subsidiary, American International Corporation ("American"), both registered, closed-end diversified companies, have filed a joint application pursuant to section 10 (f) and 17 (b) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of sections 10 (f) and 17 (a) the proposed purchase by Adams or American or both from certain underwriters, as described below, of 3½ Percent Convertible Subordinate Debentures due May 15, 1975 of W. R. Grace & Co. ("Grace") which is to be publicly offered in the near future.

The application states that Grace proposes to issue and sell $30,000,000 of said debentures and that Adamex Securities Corporation ("Adamex") and Hallgarten & Co. will be among the principal underwriters of the debentures. Adamex, a wholly owned subsidiary of Adams, is primarily engaged in the business of underwriting and distributing securities issued by other persons. It is represented that Maurice Newton, a partner in Hallgarten & Co., is a member of the board of managers (similar to board of directors) of Adams and a member of the board of directors of American.

The application recites that Adams or American or both may determine to purchase some of the debentures to be offered, not to exceed in the case of Adams $300,000 principal amount and in the case of American, not to exceed $200,000 principal amount. It is further represented that such purchase may be made from Adamex or from Hallgarten & Co. or from any other underwriter of the debentures and will be at the public offering price of the debentures. The underwriter or underwriters selling the debentures to Adams or American will receive the same discounts or commissions in connection therewith as in the case of debentures sold to the general public.

It is further represented in the application that the decision by either applicant to purchase any of the debentures will be based upon the opinion of its management that such purchase at the public offering price will constitute a good investment for such applicant.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of an underwriting or selling syndicate any securities (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director or member of an advisory board of such registered investment company is an affiliate, unless the Commission by order upon application grants an exemption therefrom.

Section 17 (a) (1) of the act prohibits, among other things, an affiliated person of a registered investment company or an affiliated person of such a person, from selling any securities to such registered investment company, subject to certain exceptions not applicable here, unless the Commission upon application pursuant to section 17 (b) grants an exemption from the provisions of section 17 (a).

Since Adams and American are affiliates of Adamex as defined in the act, and since Newton is an affiliated person as defined in the act, of Hallgarten & Co., the proposed transactions are subject to the provisions of sections 10 (f) and 17 (a).

Notice is further given that any interested person may, not later than May 31, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL DUBOIS, *Secretary.*

[F. R. Doc. 55-4152; Filed, May 20, 1955; 8:47 a. m.]

[File No. 70-3382]

MICHIGAN WISCONSIN PIPE LINE CO.

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF BANK LOAN NOTES

MAY 17, 1955.

Notice is hereby given that Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), a non-utility subsidiary of American Natural Gas Company ("American Natural"), a registered holding company, has made a filing with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"). Michigan Wisconsin has designated the third sentence of section 6 (b) of the act as applicable to said filing.

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

Michigan Wisconsin proposes to enter into a credit agreement with four banks pursuant to which it would borrow, from time to time on and after July 1, 1955, sums aggregating up to $20,000,000 and to issue its notes maturing July 1, 1956 as evidence of such borrowings. The banks which are to be parties to the credit agreement and their respective commitments thereunder are as follows:

The First National City Bank of New York	$6,000,000
The Hanover Bank, New York	6,000,000
Mellon National Bank & Trust Co., Pittsburgh, Pa	6,000,000
National Bank of Detroit	2,000,000
Total	20,000,000

Said notes will bear interest at the prime interest rate prevailing at The First National City Bank of New York for commercial loans on the date of each borrowing. It is represented that the initial borrowing will be made on July 1, 1955, and that further borrowings may be made from time to time as required.

The proposed credit agreement will provide that the company shall pay as a commitment fee an amount equivalent to one-fourth of one percent per annum on the average daily unused balance of any amount not borrowed under the credit agreement from July 1, 1955, until the entire $20,000,000 shall have been taken down, except that the company may reduce the amount to be borrowed under the credit agreement at any time without penalty.

The proposed credit agreement will provide that the company shall have the right to prepay at any time without penalty, in amounts of $300,000 or multiples thereof, notes issued pursuant to the credit agreement, except that a prepayment premium of one-fourth of one percent will apply in case of prepayment from the proceeds of borrowings from banks other than those participating in the credit agreement.

The proceeds from the proposed note will be applied, to the extent necessary, to the retirement of $12,500,000 of presently outstanding notes due July 1, 1955, and the balance to interim financing of necessary construction pending the development of a permanent financing program for the American Natural system and integration of Michigan Wisconsin's financing proposals with those of said system.

Said application states that no State commission and no Federal regulatory agency, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 2, 1955, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by the application which he proposes to controvert, or he may request to be advised if a hearing should be held thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application, as filed or as it may hereafter be amended, may be granted pursuant to Rule U-23 of the rules and regulations promulgated under the act, or the transaction may be exempted as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

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

[F. R. Doc. 55-4153; Filed, May 20, 1955; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

FILOMINA PIGNATELLO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Filomina Pignatello, Foggia, Italy, Claim No. 59638, Vesting Order No. 1542; $578.87 in the Treasury of the United States.

Executed at Washington, D. C., on May 16, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 55-4162; Filed, May 20, 1955; 8:49 a. m.]