

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 12 NUMBER 80

Washington, Wednesday, April 23, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

LIST OF POSITIONS EXCEPTED

The Commission has considered the request of the Secretary of the Treasury and has determined that the position of chauffeur to the Secretary of the Treasury should be excepted from the competitive service and appointment thereto may be made in the same manner as under Schedule A. The position is therefore added to the list of positions excepted from the competitive service, effective May 1, 1947.

§ 6.4 *List of positions excepted from the competitive service—(a) Schedule A.* * * *

(3) *Treasury Department.* * * *

(x) One chauffeur for the Secretary of the Treasury.

(Sec. 6.1 (a) E. O. 9830, 12 F. R. 1259)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-3681; Filed, Apr. 22, 1947; 8:55 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5032]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MODERN HOME DIATHERMY

§ 3.6 (t) *Advertising falsely or misleadingly—qualities or properties of product or service: § 3.71 (e) Neglecting, unfairly or deceptively, to make material disclosure—safety.* In connection with the offering for sale, sale or distribution of a device designated as "Vita-therm Short Wave Diathermy", or any other device of substantially similar character, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or

by any means to induce, etc., directly or indirectly, the purchase of respondent's device in commerce, which advertisements represent, directly or by implication, (a) that said device, when used by unskilled laymen in the treatment of self-diagnosed conditions, is a scientific or an effective or competent treatment of, or remedy for, arthritis, neuralgia, asthma, neuritis, bronchitis, rheumatism, lumbago, sinusitis, prostatitis, or similar disorders; (b) that said device constitutes a competent or effective treatment for the alleviation of pain resulting from diseases and ailments of the human body, unless specifically limited to conditions which do not involve acute inflammatory processes, glandular structures, or the special senses; or, (c) that the use of said device will establish body efficiency or provide resistance to infection or disease; or which advertisements (d) fail to reveal clearly and conspicuously that said device is not safe for use for any condition unless and until a competent medical authority has determined, as a result of diagnosis, that the use of diathermy is indicated, and has prescribed the frequency and rate of application of the treatments, and the user has been adequately instructed by a trained technician in the use of such device; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Modern Home Diathermy, Docket 5032, March 24, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of March A. D. 1947.

In the Matter of Charles Shapiro, an Individual Trading and Doing Business as Modern Home Diathermy

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of the respondent, in which answer respondent admits all material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that respondent has violated the provisions of the Federal Trade Commission Act:

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

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

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It is ordered, That the respondent, Charles Shapiro, an individual trading and doing business as Modern Home Diathermy, or trading under any other name, his agents, representatives or employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of a device designated as "Vitatherm Short Wave Diathermy," or any other device of substantially similar character, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly

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

(a) That said device, when used by unskilled laymen in the treatment of self-diagnosed conditions, is a scientific or an effective or competent treatment of, or remedy for, arthritis, neuralgia, asthma, neuritis, bronchitis, rheumatism, lumbago, sinusitis, prostatitis, or similar disorders.

(b) That said device constitutes a competent or effective treatment for the alleviation of pain resulting from diseases and ailments of the human body unless specifically limited to conditions

which do not involve acute inflammatory processes, glandular structures, or the special senses.

(c) That the use of said device will establish body efficiency or provide resistance to infection or disease.

2. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which fails to reveal clearly and conspicuously that said device is not safe for use for any condition unless and until a competent medical authority has determined, as a result of diagnosis, that the use of diathermy is indicated, and has prescribed the frequency and rate of application of the treatments, and the user has been adequately instructed by a trained technician in the use of such device.

3. Disseminating or causing to be disseminated, by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondent's device in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in paragraph 1 hereof or which fails to comply with the requirements set forth in paragraph 2 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-3849; Filed, Apr. 22, 1947; 8:47 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Housing Expediter Priorities Reg. 5, as Amended Feb. 13, 1947, Amdt. 1]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

AUTHORIZATION AND PRIORITIES ASSISTANCE FOR HOUSING

Section 803.5, Housing Expediter Priorities Regulation 5, is amended in the following respects:

1. Wherever in this section the words "Area Rent Office of the Office of Temporary Controls (Office of Price Administration)" are used, they shall, except in connection with the rental or maximum rent of a dwelling, hereafter mean "Regional Compliance Office of the Office of the Housing Expediter."

2. Wherever in this section the words "Civilian Production Administration" are used, they shall hereafter mean "Housing Expediter," except where a different meaning clearly appears from the context.

3. By adding a new-paragraph (s) to read as follows:

(s) *Regional Compliance Offices.*

Jurisdictional Area and Address

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont: 40 Broad Street, Boston 9, Mass.

Delaware, Maryland (except areas listed under Washington Metropolitan Area Office), New Jersey, New York, Pennsylvania: 45th Floor, Empire State Building, New York 1, N. Y.

Illinois, Indiana, Iowa, Johnson and Wyandotte Counties in Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin: 226 West Jackson Boulevard, Chicago 6, Ill.

Alabama, Florida, Georgia, Mississippi, South Carolina, North Carolina, Tennessee, Virginia (except areas listed under Washington Metropolitan Area Office) 1st Floor, Ginn Building, 165 Luckie Street NW., Atlanta 1, Ga.

Arkansas, Colorado, Kansas (except two counties listed under Region III), Louisiana, New Mexico, Oklahoma, Texas: 507 Mercantile Bank Building, Dallas 1, Tex.

Arizona, California, Nevada, Utah, Hawaii: 1355 Market Street, San Francisco 3, Calif.

Idaho, Montana, Oregon, Washington, Wyoming, Alaska: 4430 Stuart Building, Seattle 1, Wash.

Kentucky, Michigan, Ohio, West Virginia: Union Commerce Building, Cleveland 14, Ohio.

District of Columbia; Calvert, Charles, Montgomery, Prince Georges and St. Marys Counties and the locality of Odenton in Anne Arundel County in Maryland; Arlington and Fairfax Counties and the City of Alexandria in Virginia; Panama Canal Zone; off-continent areas except Hawaii: 4222 Social Security Building, Washington 25, D. C.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 22d day of April 1947.

FRANK R. CREEDON,
Housing Expediter

[F. R. Doc. 47-3911; Filed, Apr. 22, 1947; 11:53 a. m.]

PART 851—ORGANIZATION DESCRIPTION INCLUDING DELEGATIONS OF FINAL AUTHORITY

DESIGNATION OF ACTING HOUSING EXPEDITER

§ 851.22 *Designation of Acting Housing Expediter* Robert E. Johnson is hereby designated to act as Housing Expediter during my absence on April 21, 1947, with the title "Acting Housing Expediter" with all the powers, duties, and rights conferred upon me by the Veterans' Emergency Housing Act of 1946, or any other act of Congress or Executive order, and all such powers, duties, and rights are hereby delegated to such officer for such date. (60 Stat. 207, 50 U. S. C. App. Sup. 1821)

Issued this 18th day of April 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-3870; Filed, Apr. 22, 1947; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 527, 59 Stat. 653, Pub. Laws 383 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 945—REGULATIONS APPLICABLE TO THE OPERATION OF THE ALLOCATIONS AND EXPORT PRIORITIES SYSTEM

[Allocations Reg. 1, as Amended Apr. 23, 1947]

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of certain materials and facilities for defense, for private account, and for export; and the following regulation is deemed necessary and appropriate in the public interest and to promote the national defense.

Sec.

- 945.1 Purpose and scope of this regulation; definitions.
- 945.2 Certifications on purchase orders and other documents.
- 945.3 Effect of other regulations and orders.
- 945.4 Effect of revocation of orders and regulations.
- 945.5 Use or disposition of material acquired with allocations assistance.
- 945.6 Intra-company deliveries.
- 945.7 Scope of regulations and orders.
- 945.8 Defense against claims for damages.
- 945.9 Inventory restrictions.
- 945.10 Delivery for unlawful purposes prohibited.
- 945.11 Records.
- 945.12 Audit and inspection.
- 945.13 Reports.
- 945.14 Violations.
- 945.15 Appeals for relief in exceptional cases.
- 945.16 Notification of customers.
- 945.17 Transfers of quotas; transfers of a business as a going concern.
- 945.18 Quantities and kinds of materials or services obtainable with allocations assistance.

§ 945.1 *Purpose and scope of this regulation; definitions.* This regulation states the basic rules of the Civilian Production Administration which apply to business transactions after March 31, 1947, unless they are covered by more specific regulations or orders of the Civilian Production Administration which are inconsistent with this regulation.

It continues in effect certain of the general rules previously contained in CPA Priorities Regulations 1, 3, 7, 7A and 8. Those regulations were among the regulations and orders adopted by the Housing Expediter by Housing Expediter Priorities Order 5 and transferred to him by the Civilian Production Administration, effective April 1, 1947. CPA is continuing in simplified form only those rules deemed necessary in the administration of its functions which continue after March 31, 1947.

The following definitions apply for purposes of this regulation and any other regulation or order of the Civilian Production Administration, unless otherwise indicated.

(a) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(b) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(c) "Allocations assistance" means any authorization by the Civilian Production Administration under a regulation or other document issued by it, to obtain materials or facilities. The term includes but is not limited to authorizations for the use of export preference certificates on orders entitled to priority for export purposes, as well as certificates required to obtain materials but not entitled to priority. The terms "allocations" or "preference assistance" will usually be used in any general CPA regulation issued on or after April 1, 1947, to distinguish it from the "priorities" regulations transferred to the Housing Expediter on that date or subsequently issued by him.

§ 945.2 *Certifications on purchase orders and other documents—(a) How to use a certificate on a purchase order.* When a person uses a certificate required or permitted under any CPA order, regulation or direction, he must place it on the purchase or delivery order which is being certified, or on a separate piece of paper either attached to the purchase order or clearly identifying it. A signature on the purchase order shall apply to the certificate on an attached or unattached piece of paper only where the words above the signature clearly make it include the certificate.

The certificate must be verified by the signature of the person placing the order, or of a responsible individual who is duly authorized to sign for that purpose. The signature must be either by hand or in the form of a rubber stamp or other facsimile reproduction of a handwritten signature; however, if a facsimile signature is used, the individual who uses it must be duly authorized in writing to use it by the person whose signature it is, and a written record of the authorization must be kept.

When a purchase order is placed by telegram and the certificate is used, the certificate must be set out in full in the telegram. It will be sufficient if the file copy of the outgoing telegram is signed in the manner required for certification by this regulation.

(b) *Signature on other documents.* The above rules for signing certificates on purchase orders also apply to the signature on reports, applications for authorizations to use a certificate, and other documents that are required to be filed under orders and regulations of the Civilian Production Administration.

(c) *Responsibility for truth of certification.* The person who places the

certified order or makes the application, report or other document, the individual whose signature is used, and the individual who approves the use of the signature shall each be considered to be making a representation to the Civilian Production Administration that the statements contained in the certificate or other document are true to the best of his knowledge and belief.

The person receiving the certification and other information required to be included with it shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to know that it is false.

§ 945.3 *Effect of other regulations and orders.* A limited number of materials are subject to control under orders of the Civilian Production Administration, usually referred to as conservation or limitation orders, directions and supplements as published in the Federal Register, and in some instances allocations are made under them. Also, in exceptional cases, the Civilian Production Administration may issue specific directions by letter or telegram to named persons for the delivery of those or other materials or the use of facilities. Such published rules, specific allocations made under them, and specific directions for the delivery of materials or the use of facilities must be complied with regardless of export preference certificates or ratings, unless otherwise specified.

§ 945.4 *Effect of revocation of orders and regulations.* (a) When an order or regulation of the Civilian Production Administration is revoked, all published amendments, schedules, appendices, and directions to that order or regulation are revoked, unless otherwise stated in the instrument revoking the order or regulation.

(b) Whenever an order or regulation of the CPA is revoked, all directions, authorizations, allocations, production or delivery schedules and other instruments addressed to named persons pursuant to that order or regulation are revoked, unless otherwise stated in the instrument of revocation.

(c) "Suspension orders" and "consent orders" issued on the basis of a violation of orders and regulations of the Civilian Production Administration remain in effect after revocation of such orders and regulations, unless otherwise provided. If you are subject to a suspension order or consent order which you think should be lifted or modified because of the lifting of the restriction on which the violation was based, you may address a request for relief to the Civilian Production Administration, Washington 25, D. C.

§ 945.5 *Use or disposition of material acquired with allocations assistance.* (a) Any person who gets material with allocations assistance must, if possible, use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. This restriction applies to ma-

terial obtained by means of a certificate, allocation, specific direction, or any other action of the Civilian Production Administration. Physical segregation is not required as long as the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product. The above restriction does not apply in the following two cases, but the rules on further use or disposition in paragraph (b) below must be observed: (1) When a material, or a product into which it has been incorporated, can no longer be used for the purpose for which the assistance was given (for example, when the assistance was given to fill a particular contract or purchase order and the material or product does not meet the customer's specifications or the contract or order is canceled) (2) When the material was obtained by means of any order, regulation, allocation, specific direction or other action of the CPA which has been revoked or cancelled, unless otherwise stated in the instrument of revocation or in any other action of the CPA.

(b) The holder of a material or product subject to paragraph (a) (1) or (2) above may sell it as long as he complies with all requirements of other applicable sections of this regulation and of other orders and regulations of the Civilian Production Administration, or he may use it himself in any manner or for any purpose as long as he complies with such requirements. If the intended use is prohibited or restricted, he must appeal or otherwise apply for permission under the applicable order or regulation.

§ 945.6 *Intra-company deliveries.* When any rule, regulation or order of the Civilian Production Administration prohibits or restricts deliveries of any material by any person, such prohibition or restriction shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

§ 945.7 *Scope of regulations and orders.* All regulations and orders of the Civilian Production Administration (including directions, directives and other instructions) apply to all subsequent transactions even though they are covered by previous contracts. Regulations and orders apply to transactions in the territories or insular possessions of the United States unless the regulation or order specifically states that it is limited to the continental United States or to the 48 states and the District of Columbia. However, restrictions of Civilian Production Administration orders or regulations on the use of material or on the amount of inventory shall not apply when the material is used or the inventory is held directly by the Army or Navy outside the 48 states and the District of Columbia, unless otherwise specifically provided. Exports and deliveries of material to be exported may be made regardless of any CPA order or regula-

tion restricting inventories of material or uses thereof in manufacture or otherwise, or requiring certificates with respect to such inventories or uses, insofar as such inventories are maintained or such uses occur in the country to which such material is to be exported, but shall be subject to such restrictions with respect to inventories maintained or uses occurring within the United States prior to export.

§ 945.8 *Defense against claims for damages.* No persons shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with any rule, regulation or order of the Civilian Production Administration, notwithstanding that any such rule, regulation or order shall thereafter be declared by judicial or other competent authority to be invalid.

§ 945.9 *Inventory restrictions.* No person may deliver or receive into inventory more of any material than is permitted under applicable CPA orders.

§ 945.10 *Delivery for unlawful purposes prohibited.* No person shall deliver any material which he knows or has reason to believe will be accepted, redelivered, held or used in violation of any order or regulation of the Civilian Production Administration.

§ 945.11 *Records.* Each person participating in any transaction to which any rule, regulation or order of the Civilian Production Administration in force on or after April 1, 1947 applies shall keep and preserve for at least two years accurate and complete records of the details of each such transaction and of his inventories of the material involved. Such records shall include the dates of all contracts or purchase orders accepted, the delivery dates specified in such contracts or purchase orders, and in any certificates accompanying them, the dates of actual deliveries thereunder, description of the material covered by such contracts or purchase orders, description of deliveries by classes, types, quantities, weights and values, the parties involved in each transaction, the certificates, if any assigned to deliveries under such contracts or purchase orders, details of certified orders (or other orders required by the Civilian Production Administration to be filled) either accepted or offered and rejected, and other pertinent information. Records kept by any person pursuant to this section shall be kept either separately from the other records of such person and chronologically according to daily deliveries by such person, or in such form that such a separate chronological record can be promptly compiled therefrom; except that this section does not require the records kept under it to be kept separately from those which may be required under regulations or other rules of the Housing Expediter. Whenever a regulation or order requires a person to restrict his operations in proportion to his operations in a base period (for example, an order may forbid him to use more of a certain kind of material

than he used in the fourth quarter of 1942) he must determine, as accurately as is reasonably possible, his base period operations and preserve a written record of any figures and work sheets showing how he made his calculations for inspection by Civilian Production Administration officials as long as the regulation or order remains in force and for two years after that. Whenever a person is restricted as to the quantity of material he may use in production or the amount he may produce, under quota restrictions, limitation orders, authorized production schedules, special directions or similar provisions he must keep reasonably adequate records of the material consumed and of production to show whether he is complying with the restrictions. This record-keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 945.12 *Audit and inspection.* All records required to be kept by this regulation or by any rule, regulation or order of the Civilian Production Administration shall, upon request, be submitted to audit and inspection by its duly authorized representatives.

§ 945.13 *Reports.* (a) Every person shall execute and file with the Civilian Production Administration such reports and questionnaires as it shall from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(b) *Reports under Civilian Production Administration orders and regulations.* (1) If a published regulation or order of the Civilian Production Administration requires the filing of a report by a specified class of persons you must file the report in accordance with any applicable instructions if you belong to that class. The instructions may be in the regulation or order itself, or on a form or separate instruction sheet.

(2) When a published regulation or order requiring you to file any reports is revoked, you do not need to file any more reports due after that date unless they are required by another published regulation or order or unless you are notified to continue to file them in accordance with the rules stated in paragraph (c) below. This does not, however, excuse you from filing any reports due before the regulation or order was revoked.

(c) *Reports not specified in an order or regulation.* The Civilian Production Administration may need information which is not required under a specific regulation or order. In such cases you must file reports when you receive or have received a written notice to do so in one of the following ways:

(1) A letter or other written instrument specifically addressed to you issued in the name of the Civilian Production Administration countersigned or attested by the Recording Secretary, or in accordance with Civilian Production Administration Regulation No. 1 (§ 903.0) or

(2) A report form or instruction sheet with an official form number in the "CPA" series bearing your name or enclosed in an envelope specifically addressed to you.

Approval of the Bureau of the Budget will be indicated on the notice or on a report form or instruction sheet referred to in the notice.

§ 945.14 *Violations.* Any person who violates any provision of this regulation or any other rule, regulation or order of the Civilian Production Administration, or who, by any statement or omission, willfully falsifies any records which he is required to keep, or who otherwise willfully furnishes false or misleading information to the Civilian Production Administration, and any person who obtains a delivery, an allocation of material or facilities, or an authorization to use a certificate by means of a material and wilful, false or misleading statement, may be prohibited by the Civilian Production Administration from making or obtaining further deliveries of material or using facilities under allocation control and may be deprived of further allocations assistance. The Civilian Production Administration may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U. S. C. sec. 80), or under other applicable statutes.

§ 945.15 *Appeals for relief in exceptional cases.* Any person who considers that compliance by himself or another with a rule or regulation or order of the Civilian Production Administration would work an exceptional and unreasonable hardship on him may appeal for relief.

§ 945.16 *Notification of customers.* Any person who is prohibited from or restricted in making deliveries of any material by the provisions of any rule, regulation or order of the Civilian Production Administration shall, as soon as practicable, notify each of his regular customers of the requirements of such rule, regulation or order, but the failure to give notice shall not excuse any customer from the obligation of complying with any requirements applicable to him.

§ 945.17 *Transfers of quotas; transfers of a business as a going concern.* (a) This section explains when quotas and other rights under the allocations system may be transferred from one person to another and states the rules governing transfer of a business as a going concern.

(b) *Specific provisions in orders or regulations govern.* This regulation does not apply in any case where an applicable order or regulation provides a different rule.

(c) *What is meant by "quota"* As used in this regulation "quota" means a quantitative limit which is placed on the production or delivery of items, or on the acquisition or use of material, by an order or regulation of the CPA. Most quotas are in the form of a specified percentage of production or use during a previous base period or in the form of a specified number of items which may be produced.

(d) *Quota applies to actual manufacturer.* Where a manufacturer does not sell his product in his own name, but makes it for another person under whose name it is sold, and an order of the CPA

imposes a quota on manufacturers of the product, that quota applies to the person who actually makes the product rather than to the one under whose name it is sold.

(e) *Distribution of quota where quota holder has several establishments.* Where the holder of a quota has several establishments, he may distribute his quota among them, and change the distribution in any way he wishes unless the quota was acquired on a transfer of a going business as explained in paragraph (h) (1) below.

(f) *Transfer of quotas forbidden in most cases.* No quota may be transferred from one person to another under any circumstances, except in connection with the transfer of a business as a going concern as explained in paragraph (h) (1) below or with the express permission of the CPA. Permission to transfer quotas may be expressly given in an order or regulation or on appeal as explained in paragraph (i) below.

(g) *Transfers of specific authorizations forbidden.* No person may transfer to another any right granted by specific authorization except where this is part of a transfer of a going business as explained in paragraph (h) (1) below.

(h) *Transfer of business as a going concern.* (1) Whenever an entire business is transferred as a going concern to a new owner who continues to operate substantially the same business in the same establishment, using substantially the same trade-mark or trade-name, if any, all rights and obligations under CPA orders and regulations which applied to the business before the transfer continue applicable after the transfer, and the old owner no longer has them. The business under the new ownership has the same quotas, specific authorizations and other rights and duties created by CPA orders and regulations as it had under the old ownership. However, the new owner may not continue to exercise any such rights if he discontinues operation of the business he acquired or operates it as a substantially different business or in another establishment, or if he uses a substantially different trade-mark or trade-name. He may not, at any time, use any quota of the transferred business for any other part of his business.

(2) If, on dissolution of a firm, the entire business is not transferred as a going concern to a single successor, but is divided up in any way, application must be made to the CPA for a determination of quotas and other rights and duties under CPA orders and regulations.

(3) An order or regulation of the CPA which places any restriction on the transfer of any particular material or product does not apply to a transfer which is part of a transfer of the ownership of an entire business as a going concern, and CPA approval need not be obtained for any such transfer.

(i) *Permission in exceptional cases on appeal.* In any case where the above rules work an exceptional hardship, specific permission may be given on appeal for the transfer of a quota, or a specific authorization or for other exceptions

from the rules. An appeal for the transfer of a quota should be filed as an appeal from the order imposing the quota by the person who wishes it transferred to him. If the person from whom it is to be transferred agrees to the transfer, he should join in the appeal. It is not expected that permission will be granted for the purchase or sale of a quota for any consideration in any case where the principal purpose of the transaction is merely to transfer the quota.

§ 945.18 Quantities and kinds of materials or services obtainable with allocations assistance. When allocations assistance is granted by the Civilian Production Administration, the person authorized may use it to get only that quantity and kind of material or that particular service specified in the authorization or other document issued by CPA. If the quantities of material are not stated in the CPA authorization or other document, it may be used only to get the minimum amount needed. No person may place such authorized orders for more material than he is authorized, even if he intends to cancel some of the orders or to reduce the quantity of material ordered to the authorized amount before it is all delivered. The only cases in which a certified order may be used to get services, as distinct from the production or delivery of material, are when CPA authorizes a named person to use the certificate to get specified services, or when a person authorized to use a certificate on a certified order to get processed material furnishes the unprocessed material to a processor and uses the certificate to get it processed.

Issued this 22d day of April 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3912; Filed, Apr. 22, 1947;
11:54 a. m.]

**PART 945—REGULATIONS APPLICABLE TO
THE OPERATION OF THE ALLOCATIONS AND
EXPORT PRIORITIES SYSTEM**

[Allocations Reg. 2, as Amended Apr. 22, 1947]

RESTRICTED EXPORT PREFERENCE ASSISTANCE

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of certain materials and facilities for defense, for private account, and for export; and the following regulations is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 945.40 Allocations Regulation 2—(a) Purpose. This regulation describes the very limited scope of export preference assistance which may be granted in the future. Such assistance, when granted, will usually be in the form of au-

thorizations for the placing of orders with certificates entitling the orders to preference. Rating symbols, such as CC, will no longer be issued by the Civilian Production Administration.

The rules in this regulation and in Allocations Regulation 1 are a continuation in simplified form, for the purposes of the CPA, of rules contained in its former Priorities Regulation 1 and certain other CPA regulations transferred to the Housing Expediter on April 1, 1947, as explained in Allocations Regulation 1. This regulation also continues, on a limited basis, certain provisions of former CPA Priorities Regulation 28 relating to exports.

The issuance of authorizations to place certified export orders will in general be limited to assisting the procurement in this country of minimum quantities of materials or facilities required to expand the production in foreign countries of materials critically needed in this country, and other exceptional cases where necessary to meet international commitments.

For the purpose of this regulation, "certified order" means a purchase or delivery order which is certified by the purchaser by use of the standard form of export preference certificate described in paragraph (h) (7) below, or by use of any other certificate authorized and entitled to preference under another CPA order, regulation or direction for export purposes.

(b) Exceptional cases when certified export orders may be authorized. (1) If all the conditions of paragraph (b) (2) below are met, authorizations to place orders with an export preference certificate may be granted to permit the placing and filling of certified orders for procurement in this country of the minimum quantities of materials or facilities required either:

- (i) To expand the production in foreign countries of materials critically needed in the United States; or
- (ii) to meet international commitments, and certified by the Secretaries of State and Commerce as necessary for that purpose.

(2) When effective assistance of other kinds is not practicable (CPA may locate sources able to ship without preferential aid) an authorization to use an export preference certificate may be granted for specific items and quantities of materials in the limited classes of cases described in paragraph (b) (1) above, upon determination in each instance that all the following conditions are met:

- (i) The use of substitute and less scarce materials is not practicable;
- (ii) Reasonable efforts have been made to get the required item without assistance; and
- (iii) Preference assistance is required to obtain the item by the latest date and in the minimum quantity practicable, after taking into consideration material

already acquired and material available without assistance.

(c) How to apply for an authorization to use an export preference certificate. Application for a CPA authorization to use an export preference certificate for all destinations except Canada should be made by letter in quadruplicate, addressed to the Office of International Trade, Department of Commerce, Washington 25, D. C., Ref. AR-2. Application for such a certificate for Canadian destinations should be made directly to the Civilian Production Administration, Washington 25, D. C., Ref. AR-2, also by letter in quadruplicate. Such applications should give the following information:

- (1) Exact nature of applicant's business, i. e., manufacturing farm equipment, steel mill, etc.
- (2) Exact description of the item for which assistance is required, stating (a) for materials the kind, quantity and unit of measure or (b) for equipment, the make, model, size, type, capacity, etc.
- (3) The country of export destination, and the exact use to be made in that country of the item to be exported.
- (4) Name of supplier and his present delivery promises, and his reasons for not promising satisfactory delivery dates. (Give the number and date of your purchase order.)
- (5) Efforts made to obtain suitable substitutes or reasons why substitutes cannot be used.
- (6) A full statement of the importance of making the export at this time from the standpoint of the interests of the United States.

(d) How applications are granted. If the application is granted, CPA will issue a written authorization to the applicant authorizing him to use an export preference certificate. He may then use the certificate described in paragraph (h) (7) below.

(e) Expiration of ratings and certificates for export: re-validation—(1) Expiration. All preference ratings assigned for materials to be exported shall expire on April 1, 1947 and all certificates used on certified orders for materials for export and required to be treated as rated orders under other CPA orders, regulations or directions shall also expire on April 1, 1947 except those for tinplate continued in effect under Direction 1 to this regulation.

(2) When and how expiring export ratings or certificates may be replaced. A person entitled to use a preference rating or a certificate entitled to be treated as a rated order for materials to be exported (including Canadian destinations), which expires on April 1, 1947, may apply to CPA for an authorization to use an export preference certificate if he can meet the conditions stated in paragraph (b) above.

If a new authorization is granted, it may be used by forwarding his supplier the export preference certificate described in paragraph (h) (7) below, signed in accordance with Allocations Regulation 1, together with any additional information needed to enable the person receiving it to know exactly the items to which it applies, the original

purchase order referred to (if already placed) and the old rating or certificate.

(f) Rules for acceptance and rejection of certified orders. Every certified order must be accepted and filled regardless of existing contracts and orders except in the following cases:

(1) A person must not accept a certified order for delivery on a date which would interfere with delivery on other certified or rated orders which he has already accepted, or if delivery of the material ordered would interfere with delivery on an order which the Civilian Production Administration or the Housing Expediter has directed him to fill for that material or for a product which he makes out of it.

(2) A person must not accept a certified order for delivery on a date which can be met only by using material which was specifically produced for delivery on another certified order, and which is completed or is in production and scheduled for completion within 15 days.

(3) If a person, when receiving a certified order bearing a specific delivery date, does not expect to be able to fill it by the time requested, he must not accept it for delivery at that time. He must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date. He may adopt either of these two courses, depending on his understanding of which his customer would prefer.

(4) A certified order need not be (but may be) accepted in the following cases, but there must be no discrimination in such cases against certified orders, or between certified orders of different customers:

(i) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment (when a person authorized to place a certified order asks a supplier to quote his regularly established prices and terms of sale or payment or the earliest date on which he could make delivery on the certified order, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and state that it is not binding. However, the supplier need not quote if he is not required to accept the certified order and knows that he will not do so if he receives it. Any quotation as to delivery date to a person whose order has not been received will be subject to the effect on the supplier's deliveries of certified orders received by him after making the quotation and before he receives the firm order from the person making the inquiry)

(ii) If the order is for the manufacture of a product or the performance of a service of a kind which the person to whom the order is offered has not usually made or performed, and in addition if either (a) he cannot fill the order without substantially altering or adding to his facilities or (b) the order can readily be performed by someone else who has usually accepted and performed such orders.

(iii) If the order is for material which the person to whom the order is offered produces or acquires for his own use only, and he has not filled any orders for that material within the past two years. If he has, but the certified order would take more than the excess over his own needs, he may not reject the certified order unless filling it would interfere with other certified orders already on hand, or orders which the Civilian Production Administration has directed him to fill, for the material or for a product which he makes out of it.

(iv) If filling the order would stop or interrupt his production or operations during the next 40 days in a way which would cause a substantial loss of total production or a substantial delay in operations.

(5) Any person who fails or refuses to accept an order bearing a certificate provided for under this regulation shall, upon written request of the person placing the order, promptly give his reasons in writing for his failure or refusal.

(6) Some orders or directions of the Civilian Production Administration provide special rules as to the acceptance and rejection of orders for particular materials. In such cases, the rules stated above in this section are inapplicable to the extent that they are inconsistent with the applicable order or direction of the Civilian Production Administration. In addition, the Civilian Production Administration may specifically direct a person in writing to fill a particular purchase order or orders. In such cases he must do so without regard to any of the above rules in this paragraph (f), except that he may insist upon compliance with regularly established prices and terms of payment.

(7) Certificates not effective for Government-owned surplus property. The above rules in this paragraph (f) for the acceptance and rejection of certified orders, and in paragraph (i) below for the sequence of filling certified orders, do not apply to sales of surplus material by Government agencies. The certificates on certified orders have no effect either by way of obliging a Government agency to sell surplus property or by way of determining as among several buyers who shall get the surplus property.

(g) Report to Civilian Production Administration of improperly rejected orders. When a certified order is rejected in violation of this regulation, the person who wants to place it may file a report of the relevant facts with the Civilian Production Administration, which will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

(h) Description of certificates and how they are used—(1) How authorized. The standard export preference certificate provided for under this regulation is described in (h) (7) below. Other orders or directions of the Civilian Production Administration may also permit the use of other special forms of certificates entitled to preference, such as that for the use of the symbol CXS on certain orders

for tinplate, described in Direction 1 to this regulation. The standard certificate described below and certificates entitled to preference under any other Civilian Production Administration order or direction are of equal value and precedence. Authorizations to use the standard export preference certificate will be issued under the conditions described in this regulation. The use of other certificates will be authorized under the conditions stated in the Civilian Production Administration order or direction under which they are issued, which may provide that they shall be treated as export preference certificates.

(2) Materials or facilities obtainable with certificates. A person authorized to use a certified order may use the certificates only to get the quantities and kinds of materials or services authorized, as provided in § 945.18 of Allocations Regulation 1.

(3) How to use a certificate. The certificate with a certified order must be filled in, signed and delivered to the supplier in accordance with the rules stated in Allocations Regulation 1, and with any special rules which may be stated in any other CPA order or direction permitting the use of any special form of certificate other than the standard export preference certificate.

(4) Certificates not extendible. A person receiving a certified order may not extend the certificate to any of his suppliers. If he is unable to fill the certified order without using a certificate to get some of the materials which he will need for that purpose, he may apply to CPA for an authorization to use a certificate for that purpose in accordance with this regulation.

(5) Relation of certificates to preference ratings. The certificate on a certified order, and an RR (or CC) preference rating assigned by CPA before April 1, 1947, or by the Housing Expediter, are equal in precedence, unless otherwise directed in writing by the Civilian Production Administration.

(6) Time limit on certificates. An authorization to use an export preference certificate, or other certificate permitted under another CPA order or direction for export purposes and entitled to preference, expires if not used on an order accepted by a supplier within 6 months of the date the use of the certificate was authorized. If the holder of an authorization to use an export preference certificate has been unable to use it before its expiration, he may apply to CPA for renewal. However, if the purpose for which use of the certificate was authorized should no longer exist, the certificate may not be used even though the time limit stated above has not elapsed.

(7) Form of standard export preference certificate. The standard export preference certificate must be in substantially the following form:

EXPORT PREFERENCE CERTIFICATE

The undersigned certifies to the seller and to the CPA, subject to the criminal penalties of section 35 (a) of the U. S. Criminal Code, that he is authorized to use this certificate

for the materials described, in accordance with CPA Allocations Regulation 2. My authorization number is ---- (insert the CPA authorization number).

(8) *Report to Civilian Production Administration of improper delay of orders.* When delivery or performance of a certified order is unreasonable or improperly delayed, the customer may file a report of the relevant facts with the Civilian Production Administration, which will take such action as it considers appropriate after requiring an explanation from the person with whom the order is placed.

(1) *Sequence of filling certified orders.*

(1) Every person who has certified orders on hand must schedule his operations, if possible, so as to fill each certified order by the required delivery or performance date (determined as explained in paragraph (j) below). If this is not possible for any reason, he must give precedence to all certified over uncertified orders.

(2) As between conflicting certified orders, precedence must be given to the order which was received first with the certificate. As between conflicting certified orders received on the same date, precedence must be given to the order which has the earlier required delivery or performance date.

(3) If a certified order or the certificate applicable to an order is cancelled when the supplier has materials in production to fill it, he need not immediately stop to put other certified orders into production if doing so would cause a substantial loss of total production. He may continue to process that material which he had put into production for the cancelled order to a stage of completion which would avoid a substantial loss of total production, but he may not incorporate any material which he needs to fill any certified order on hand. He may not, however, delay putting other certified orders into production for more than 15 days.

(j) *Delivery or performance dates.*

(1) Every certified order must specify delivery or performance on a particular date or dates or within specified periods of not more than 31 days each, which in no case may be earlier than required by the person placing the order. Any order which fails to comply with this rule must be treated as an uncertified order. The words "immediately" or "as soon as possible" or other words to that effect, are not sufficient for this purpose.

(2) The required delivery or performance date, for purposes of determining the sequence of deliveries or performance pursuant to paragraph (i) shall be the date on which delivery or performance is actually required. The person with whom the order is placed may assume that the required delivery or performance date is the date specified in the order or contract unless he knows either (1) that the date so specified was earlier than required at the time the order was placed, or (2) that delivery or performance by the date originally specified is no longer required by reason of any change of circumstances. A delay in the scheduled receipt of any other material which the person placing the order requires prior to or concurrently with

the material ordered, shall be deemed a change of circumstances within the meaning of the foregoing sentence.

(3) If, after accepting a certified order which specifies the time of delivery, the person with whom it is placed finds that he cannot fill it on time or within 15 days following the specified time, for any reason, he must promptly notify the customer, telling him approximately when he expected to be able to fill the order. Inability to fill the order on time or within fifteen days following the specified time does not authorize a supplier to cancel the order.

(k) The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 22d day of April 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3913; Filed, Apr. 22, 1947;
11:54 a. m.]

PART 945—REGULATIONS APPLICABLE TO
THE OPERATION OF THE ALLOCATIONS AND
EXPORT PRIORITIES SYSTEM

[Allocations Reg. 2, Direction 1, as Amended
Apr. 22, 1947]

USE AND EFFECT OF SYMBOL CXS ON CERTAIN
EXPORT ORDERS FOR TINPLATE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tinplate and facilities for making tinplate, for defense, for private account and for export; and the following direction is deemed necessary and appropriate in the public interest and to promote the national defense.

(a) *What this direction does.* This direction explains how certain exporters who have been authorized by the Office of International Trade, Department of Commerce, to use the symbol CXS (Certified Export Steel) on purchase orders for limited quantities of tinplate should furnish that information to steel producers. Such orders when properly certified are to be treated as certified export orders under Allocations Regulation 2. The Civilian Production Administration may also establish space reservations on steel producers' schedules for the benefit of these export orders.

(b) *Identification of certified export orders.* Any person who has been authorized in writing by the Office of International Trade, Department of Commerce, to use the symbol CXS on purchase orders for limited quantities of tinplate should, in addition to marking his purchase order with the symbol, specify the period in which shipment has been designated, and furnish the steel producer with a certificate, signed manually or as described in Allocations Regulation 1, in substantially the following form:

I certify, subject to the penalties of section 35A of the United States Criminal Code, that the tinplate covered by this purchase order is within the quantity which I have been authorized by the Office of International Trade, Department of Commerce, to purchase by orders identified with the symbol CXS.

(c) *Requests for authorization to use the symbol CXS.* All requests for authorization to use the symbol CXS should be addressed

to the Steel Section, Office of International Trade, Department of Commerce, Washington 25, D. C.

(d) *Certified orders entitled to preference.* Unless the CPA directs otherwise, any purchase order certified under this Direction must be treated as a certified export order under Allocations Regulation 2, and be accepted, scheduled, and delivered accordingly. The rules of Allocations Regulation 2 will apply, except to the extent that this Direction is inconsistent with them. Tinplate obtained on certified orders must be used in accordance with § 945.5 of Allocations Regulation 1.

(e) *Refusal of certified orders.* (1) CXS orders may only be placed with steel producers for mill shipments. They may not be placed with distributors for shipment from warehouses.

(2) Steel producers need not accept a CXS certification on a previously accepted purchase order, or a new purchase order, which was received less than 45 days before the beginning of the month in which delivery is requested.

(f) *Other distribution of steel for export.* The provisions of this direction do not restrict acceptance, scheduling or shipment of noncertified orders for export, if this does not interfere with shipments of certified orders.

(g) *Direction 10 to Order M-21 superseded.* This direction supersedes former Direction 10 to Order M-21. Certificates for tinplate authorized under Direction 10 shall have the same force and effect under this Direction 1 as if authorized under it, and do not require revalidation.

Certificates authorized under Direction 10 to Order M-21 for steel products other than tinplate expire at the end of March 1947, under Allocations Regulation 2, although some may upon application be replaced with the new export preference certificate, as explained in that regulation.

(h) The Office of International Trade, Department of Commerce, may authorize the use of the symbol CXS under this direction on purchase orders for tinplate, but only to the extent and under the conditions authorized by the Civilian Production Administration in writing and transmitted to the Office of International Trade. The Office of International Trade may exercise this authority through such of its officials as the director of that Office may determine.

Issued this 22d day of April 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3914; Filed, Apr. 22, 1947;
11:54 a. m.]

TITLE 33—NAVIGATION AND
NAVIGABLE WATERS

Chapter II—Corps of Engineers, War
Department

PART 207—NAVIGATION REGULATIONS

LOGGING IN TIDAL SECTION, SOUTH FORK OF
COOS RIVER, OREGON

Pursuant to the provisions of section 2 of the act of Congress approved May 9, 1900 (31 Stat. 172; 33 U. S. C. 410), § 207.663 is hereby prescribed to govern and regulate the floating of loose timber and logs, sack rafts, and other methods of navigation in the tidal section of the South Fork of Coos River, Oregon:

§ 207.663 *South Fork of Coos River, Oreg., logging in tidal section.* (a) During the months of August, September, and October loose timber and logs and sack rafts of timber and logs, hereinafter referred to as logs, may be floated in the tidal section of the South Fork of Coos River above the mouth of Bessie Creek, at the times and under the conditions hereinafter prescribed, on Monday only of each week: *Provided*, That if it is impracticable because of insufficient stream flow above the tidal section to float logs into the tidal section on any Monday, they may be floated in the tidal section, at the times and under the conditions hereinafter prescribed, on the first day between that Monday and the following Monday when the stream flow will permit.

(b) From November to July, both inclusive, logs may be floated in the tidal section of the South Fork of Coos River above the mouth of Bessie Creek, at the times and under the conditions hereinafter prescribed, on Tuesday and Friday only of each week.

(c) On any of the days designated in paragraphs (a) and (b) of this section when the floating of logs is permitted in the tidal section above the mouth of Bessie Creek, they may be floated into the tidal section, at or near the head of tidewater, not more than two hours before the time of high tide at the point of entry, and be floated to the mouth of Bessie Creek: *Provided*, That such movement is handled expeditiously, and is entirely completed within five hours after the time of high tide at the point of entry.

(d) Two high tides normally occur each day. That high tide upon which logs may be floated into the tidal section above the mouth of Bessie Creek shall be the tide that reaches high slack at the point of entry nearest 12:00 o'clock meridian, Pacific Standard Time. The time of high tide at the head of the tidal section, for the purpose of this section, shall be considered as two hours and forty minutes after the predicted time of high tide at Humboldt Bay, California, the port of reference for Coos Bay, as published by the Coast and Geodetic Survey, Department of Commerce.

(e) In order that the river may be cleared in advance of an anticipated freshet, whenever the river stage above the tidal section rises more than two feet above the normal winter level as determined by the District Engineer, Corps of Engineers, in charge of the waterway, logs may be floated in the tidal section above the mouth of Bessie Creek.

(f) A single floating sheer boom shall be swung across the river above the mouth of Bessie Creek, at a location approved by the District Engineer, for the purpose of catching logs being floated as hereabove prescribed: *Provided*, That such boom shall be in place only during the period in which the floating of logs is under way. *Provided, further* That at all times when such boom is swung across the river so as to obstruct or interfere with navigation a competent operator shall be in attendance who shall, upon the approach of any craft or tow desiring to pass either upstream or down-

stream, promptly swing the boom so as to clear the channel and allow such craft or tow to pass.

(g) A written or printed notice giving the day and hour at which time the floating of logs is contemplated in accordance with paragraphs (a) and (b) of this section shall be posted at least twenty-four hours prior thereto at such place at or near the mouth of the South Fork as shall be prescribed by the District Engineer, and shall also be attached to the warning flag pole provided for in paragraph (h) of this section.

(h) At all times between sunrise and sunset when logs are being moved in the tidal section above the mouth of Bessie Creek, and during a period of three hours before such movement is to begin, a red flag not less than three feet square shall be flown from a staff on the river bank near the mouth of Bessie Creek, so located that it can be plainly seen by operators of river craft proceeding upstream in that vicinity, and said flag shall not be flown at any time other than herein designated. Between sunset and sunrise a red light, instead of a red flag, shall be so displayed. After completion of each movement of logs the red signal shall be promptly removed.

(i) In that portion of the South Fork below the mouth of Bessie Creek, the floating of logs shall be prohibited at all times, and rafts shall not exceed 650 feet in length and 45 feet in width.

(j) This section shall not affect the liability of persons in charge of logging operations for any damages resulting therefrom. [Regs. April 4, 1947 (800.214 Coos River, Oreg.)—ENGWR] (31 Stat. 172; 33 U. S. C. 410)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-3848; Filed, Apr. 22, 1947; 8:55 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 2—GENERAL RULES AND REGULATIONS

PERSONS PROHIBITED FROM DRIVING; FEES

1. Section 2.53 *Persons prohibited from driving* is amended to read as follows:

§ 2.53 *Persons prohibited from driving.* (a) No person shall drive a motor vehicle in a park or monument unless such person has a valid operator's license: *Provided*, That any person who is a resident of a State, district, territory, or foreign country which does not require the licensing of operators may drive a motor vehicle if such person is at least 15 years of age. The provisions of this paragraph shall not apply to employees of other Federal agencies or of States or territories or their political subdivisions operating motor vehicles on official business. Employees of the Department of the Interior shall be governed by the "Regulations and Safe Driving Practices of the Department of the Interior for the Opera-

tion of Motor Vehicles by Employees on Official Business, July, 1946."

(b) No person who is under the influence of intoxicating liquor or narcotic drugs shall drive a motor vehicle of any kind in a park or monument.

2. Paragraph (i) of § 2.55 *Fees*, is amended to read as follows:

(i) *Admission fees.* (1) An admission fee shall be charged each person entering the following areas, except children 16 years of age, or under, or groups of school children 18 years of age, or under, when accompanied by adults assuming responsibility for their safety and orderly conduct:

	Fee
Castillo de San Marcos National Monument	\$0.10
Fort Pulaski National Monument	.10
George Washington Birthplace National Monument	.10
Fort Raleigh National Historic Site (except after 6:00 p. m. on days when the pageant, "The Lost Colony," is presented by the Roanoke Island Historical Association)	.10

(2) An admission fee shall be charged each person entering the following places, except children 16 years of age, or under, or groups of school children 18 years of age, or under, when accompanied by adults assuming responsibility for their safety and orderly conduct:

Fort McHenry National Monument and Historic Shrine—Inner Fort	\$0.10
Colonial National Historical Park:	
Moore House	.10
Yorktown Historical Museum	.10
Morristown National Historical Park—Ford Museum and Mansion	.10
Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park—Museum	.10
Chickamauga and Chattanooga National Military Park—Point Park	.10
Vicksburg National Military Park—Museum	.10
Salem Maritime National Historic Site—Darby House	.25
Vanderbilt Mansion National Historic Site—Mansion	.25
Lincoln Museum	.10
House Where Lincoln Died	.10
Lee Mansion in Arlington National Cemetery	.10
Adams Mansion National Historic Site	.25

(3) A fee of 21 cents shall be charged each person entering the home of Franklin D. Roosevelt National Historic Site. A combined fee of 42 cents may be charged each person for entrance to the Home of Franklin D. Roosevelt National Historic Site and the Franklin D. Roosevelt Library. No charge shall be made for children under 12 years of age when accompanied by adults assuming responsibility for their safety and orderly conduct, or for persons desiring to visit only the grave of Franklin D. Roosevelt or visiting the Home on business.

(4) In Timpanogos Cave National Monument, no person or persons shall be permitted to enter the cave unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which a fee of 50 cents shall be charged each adult person entering the cave. In proper cases and upon application made in advance, the Director may authorize

admission without charge for guide service to persons from reputable educational institutions for the purpose of prosecuting class work or studies, or to persons under the support and care of charitable institutions and their attendants. Children 16 years of age, or under, or groups of school children 18 years of age, or under, when accompanied by adults assuming responsibility for their safety and orderly conduct while in the cave, shall be charged 25 cents each. No charge shall be made for children under 12 years of age when accompanied by adults assuming responsibility for their safety and orderly conduct.

(39 Stat. 535, 49 Stat. 666; 16 U. S. C. 3, 462)

Issued this 17th day of April 1947.

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

[F. R. Doc. 47-3854; Filed, Apr. 22, 1947;
8:47 a. m.]

PART 20—SPECIAL REGULATIONS
MISCELLANEOUS AMENDMENTS

1. Section 20.3 *Glacier National Park* is amended to read as follows:

§ 20.3 *Glacier National Park*—(a) *Fishing; open season.* The opening date for fishing in all waters in Glacier National Park shall conform to the regular opening date of the fishing season for the State of Montana, but the open season for fishing in all waters of the Park shall close at 9:30 p. m. on October 15, subject to the following exceptions and restrictions:

(1) Howe Lake and Mud Lake will be closed at 9:30 p. m. July 5.

(2) Midvale Creek is closed at all times.

(3) Fishing is prohibited between the hours of 9:30 p. m. and 5:00 a. m.

(b) *Fishing; limit of catch and in possession.* (1) The limit of catch per person per day shall be 15 pounds of fish (dressed weight with heads and tails intact) and 1 fish, not exceeding in the aggregate 10 fish.

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

(c) *Fishing; bait.* (1) The possession, or use for bait, of salmon eggs or other fish spawn, or any imitation thereof or substance prepared therefrom, is prohibited.

(2) Fishing with multiple spinner baits (lures with more than one blade on a single line) is prohibited.

(3) The snagging of fish is prohibited.

(d) *Speed.* The maximum speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 45 miles per hour, subject to the following conditions and limitations:

(1) In all areas so posted, and on dangerous curves, 20 miles per hour.

(2) On the North Fork Truck Trail from Apgar to Kishenehn, and on all feeder roads leading thereto, 25 miles per hour.

(3) Between U. S. Highway No. 89 (Blackfeet Highway) and Cut Bank Chalets, 30 miles per hour.

(4) Between U. S. Highway No. 89 (Blackfeet Highway) and Two Medicine Chalets, 30 miles per hour.

(5) On the Going-to-the-Sun Highway between Logan Creek and Siyeh Creek, 30 miles per hour.

(6) All trucks and busses of 1½ tons capacity or over, 35 miles per hour.

(7) All vehicles towing other vehicles, 35 miles per hour.

(e) *Camping.* No person, party, or organization shall be permitted to camp in the Park more than 30 days in any one calendar year. Camping in Sprague Creek Campground shall not exceed 15 days in any one calendar year.

(f) *Mufflers.* All cars, trucks, busses, and motorcycles shall be equipped with muffling systems in good working order. Cut-outs are prohibited.

(g) *Supersedeure.* All previous special or subsidiary regulations for Glacier National Park are hereby superseded.

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

2. Section 20.5 *Mount Ranier National Park*, paragraph (b) is amended to read as follows:

(b) *Fishing; open season.* The fishing season in streams shall be from the fourth Sunday in May to October 15, inclusive, and in lakes from July 4 to September 30, inclusive, with the following exceptions and restrictions:

(1) In Mowich Lake the fishing season shall be from August 1 to September 30, inclusive.

(2) Fishing is permitted only between the hours of 4:00 a. m. and 9:00 p. m.

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

3. Section 20.8 *Sequoia National Park*, paragraph (d) is amended to read as follows:

(d) *Fishing; closed waters.* The following waters are closed to fishing to act as holding ponds and feeder streams for restocking main waters:

(1) On the watershed of the North Fork of the Kaweah River:

Gabin Creek from source to junction with Dorst Creek.

Yucca Creek from source to mouth, during the period June 16 to October 31, inclusive.

Dorst Creek from Generals Highway above road to source.

(2) On the watershed of the Marble Fork of the Kaweah River:

Deer Creek from the foot bridge on the Sunset-Village Trail to source.

Wolverton Creek above the Wolverton Dam where signs are posted.

Silliman Creek from source to Silliman Lake to bridge on Generals Highway.

That section of the Marble Fork of the Kaweah River between the bridge on the Generals Highway and Log Bridge in Lodgepole Camp.

(3) On the watershed of the Middle Fork of the Kaweah River:

Crescent Meadow Creek from source to High Sierra Trail Bridge at Lower Crescent Meadow.

Middle Fork of the Kaweah River from Buckeye Flats Fish Rearing Ponds to junction with Paradise Creek.

Granite Creek from source to junction with Eagle Scout Creek.

Eagle Scout Creek from source to junction with Middle Fork of the Kaweah River.

Middle Fork of the Kaweah River between the Bearpaw-Redwood Meadow Trail Bridge to Falls on Lone Pine Creek, from May 1 to June 30, inclusive.

Hamilton Lake and all of Hamilton Creek from source to mouth, from May 1 to June 30, inclusive.

(4) On the Kern River, that section between Chagoopa Bridge and Rock Creek.

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

4. Section 20.11 *Lassen Volcanic National Park*, paragraph (c), is amended to read as follows:

(c) *Fishing; closed waters.* The following waters are closed to fishing:

Manzanita Creek.

Grassy Swale Creek.

Grassy Creek.

Emerald Lake.

Manzanita Lake, within 150 feet of inlet and outlet.

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

5. Section 20.15 *Shenandoah National Park*, paragraphs (a) and (b) are amended to read as follows:

(a) *Fishing; closed waters.* (1) All waters in Shenandoah National Park are open to trout fishing.

(2) Fishing for all other types of fish in the waters of the Park is prohibited.

(b) *Fishing season, etc.* In the Conway River, the Rapidan River, and the north and south forks of the Moormans River, fishing is permitted in conformity with the laws and regulations of the State of Virginia. In all other open waters, fishing is permitted under the following conditions:

(1) Fishing season: April 20 to July 10, inclusive.

(2) Hours: From sunrise to sunset.

(3) Size limit: Fish under 7 inches in length shall not be retained unless seriously injured in catching.

(4) Limit of catch: 10 fish per person per day. All undersized fish not seriously injured in catching shall be immediately and carefully returned to the water. All undersized fish which are seriously injured in catching shall be retained and shall constitute a part of the catch.

(5) Bait: Only artificial lures shall be used, such as artificial flies or bugs. No spinner or other lure with more than one hook is permitted.

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

6. Section 20.31 *Olympic National Park*, paragraphs (a), (c) and (e), are amended to read as follows:

§ 20.31 *Olympic National Park*—(a) *Fishing; open season.* Fishing is permitted in open streams from the fourth Sunday in May to October 31, inclusive, and in open lakes from July 4 to October 31, inclusive, subject to the following exceptions and restrictions:

(1) Lake Crescent and Lake Mills are open to fishing from the third Sunday in April to October 31, inclusive.

(2) The following streams are open to fishing for steelheads only from December 1 to March 15, inclusive; all trib-

utaries thereof are closed, except as otherwise indicated:

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

(c) *Fishing; size limits.* Steelheads less than 16 inches in length and fish of any other species less than 6 inches in length, when caught, shall be released by carefully handling with moist hands, or by cutting the leader, and returned at once to the water.

(e) *Fishing; bait.* (1) Fishing with any line, gear, or tackle having more than two spinners, spoons, blades, flashers, or like attractions, and with more than one transparent or black rudder, and more than three (3) hooks attached to such line, gear, or tackle, is prohibited.

(2) The placing or depositing of fish eggs, fish roe, food, or other substance in any waters for the purpose of attracting, collecting, or feeding fish, is prohibited.

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

6. Section 20.35 *Kings Canyon National Park*, paragraph (c) is amended to read as follows:

(c) *Fishing; closed waters.* The following waters are closed to fishing as holding ponds and feeder streams for restocking main waters:

(1) On the watershed of the South Fork of the Kings River:

That section of the South Fork from the sign at the lower end of Paradise Valley up stream 1 mile to sign.

That section of Bubbs Creek from the mouth of Charlotte Creek ½ mile up stream to sign.

Sheep Creek and its tributaries from source to Park boundary.

That section of Lewis Creek from the upper trail crossing to the Park boundary.

Comb Creek, that section between junction with Lewis Creek to the trail crossing.

(2) On the watershed of the Middle Fork of the Kings River:

That section of the Middle Fork at Simpson Meadow from the old trail bridge up stream 1 mile to sign.

That section of the Middle Fork at Grouse Meadow from sign at lower end of meadow ½ mile up stream to sign.

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

7. Section 20.41 *Blue Ridge Parkway* is amended by adding new paragraphs (b) and (c) reading as follows:

(b) *Fishing; open season.* (1) The open season for fishing in the streams within the boundaries of the Parkway, listed in this section, shall be the same as that prescribed for the State within which the stream lies. Fishing is per-

mitted only between sunrise and sunset of the same day.

(2) The following streams within the Parkway are open to fishing during the said open season:

Little Stoney Creek within the Peaks of Otter Area.

Rock Castle Creek and Little Rock Castle Creek within the Rocky Knob Area.

Gulley Creek within the Cumberland Knob Area.

Basin Creek and Cove Creek within the Bluffs Area.

Camp Creek within Section 2-J and Linville Area.

Crabtree Creek within Crabtree Area.

(3) The catch or creel limit of all fish allowed per person per day, as well as the legal length of such fish, shall be in conformance with the laws of the State within which the fish are caught.

(c) *Fishing license.* The Parkway as such does not charge for fishing, but persons desiring to fish in the streams within the boundaries of the Parkway must first obtain a proper license therefore as required by the laws of the State wherein the stream in which they desire to fish is located.

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

Issued this 18th day of April 1947.

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

[F. R. Doc. 47-3255; Filed, Apr. 22, 1947; 8:47 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Part 182]

INDUSTRIAL ALCOHOL

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2808, 2829, 2866, 3070, 3101, 3102, 3105, 3108, 3109, 3111, 3113, 3114, 3124, 3125, and 3176 of the Internal Revenue Code (U. S. C., title 26, sections 2808, 2829, 2866, 3070, 3101, 3102, 3105, 3108, 3109, 3111, 3113, 3114, 3124, 3125, and 3176).

1. The following sections are amended: 182.6 (h) and (aa) 182.94, 182.99, 182.102, 182.175, 182.179, 182.182, 182.183, 182.229 (g) 182.371 (a) 182.377 (a),

182.383 (a) 182.389 (a) 182.514, 182.706, 182.728, 182.731, 182.738, 182.750, 182.752 (b) 182.754 (Par. 1) 182.785, 182.786, 182.798, 182.802, 182.811, 182.812 (Par. 1) 182.813, 182.816, 182.908, 182.994, 182.995, 182.997, 182.1006.

DEFINITIONS

§ 182.6 *Definitions.* * * * (h) "Carrier" shall mean a person or agency regularly engaged in the transportation of movable property by railroad, steamship, ferryboat, barge, motor truck, airplane, or other vehicle capable of being used as a means of transportation on land, in water, or through the air. The term "motor carrier" shall mean a motor carrier licensed under the Motor Carrier Act of 1935, or an applicable State law.

(aa) "Tank car" shall mean a railroad tank car conforming to the requirements of the regulations in this part. "Tank truck" shall mean a motor driven tank truck, including tank truck trailer, conforming to the requirements of the regulations in this part, and of a capacity of not less than 2,000 gallons. (Sec. 3124, I. R. C.)

EQUIPMENT

DENATURING PLANTS

§ 182.94 *Denatured alcohol storage tanks.* The proprietor of the denaturing plant shall provide substantially

constructed denatured alcohol storage tanks for the storage of all alcohol denatured by him, unless permission is granted by the district supervisor to use mixing tanks for the storage of denatured alcohol or the denatured alcohol is drawn into packages or other portable containers for immediate shipment or storage in the denatured alcohol store-room, or transferred to tank cars or tank trucks for immediate shipment, or transferred by pipe line to contiguous premises operated by the denaturer. Where denatured alcohol storage tanks are provided, they shall be constructed and secured in conformity with the provisions of § 182.74, and must be equipped with a suitable measuring device whereby the actual contents will be correctly indicated: *Provided*, That wooden storage tanks may be used for formulas for which metal storage tanks are unsuitable. Each such tank shall have plainly and legibly painted thereon the words "Denatured Alcohol Storage Tank," followed by its serial number and capacity in wine gallons. The denatured alcohol storage tanks must be located in the denaturing plant: *Provided further*, That the proprietor may be permitted to store denatured alcohol in tanks constructed in conformity with these provisions not necessarily located in a room or building, provided they are permanently fixed and of such size that they may not be readily removed. (Sec. 2829, I. R. C.)

**SPECIALLY DENATURED ALCOHOL USERS'
PREMISES**

§ 182.99 *Tanks.* If the proprietor desires to receive specially denatured alcohol in tank cars, tank trucks or by pipe line from a denaturing plant on contiguous premises operated by him, he must provide tanks for the storage of the specially denatured alcohol so received by him. Each such tank must be constructed of metal, and shall be of uniform dimensions and equipped with a suitable measuring device whereby the actual contents will be correctly indicated: *Provided*, That wooden tanks may be used for formulas for which metal tanks are unsuitable. Each such tank shall have plainly and legibly painted thereon the words "Specially Denatured Alcohol Storage Tank," followed by its serial number and capacity in wine gallons. The tanks shall be equipped for locking in such a manner as to prevent access to the denatured alcohol. (Sec. 2829, I. R. C.)

**SPECIALLY DENATURED ALCOHOL BONDED
DEALERS' PREMISES**

§ 182.102 *Tanks.* If specially denatured alcohol is received in tank cars or tank trucks, the proprietor must provide suitable storage tanks for the storage of such alcohol. Each such tank must be constructed in the manner prescribed in § 182.99 and all openings affording access to the contents shall be equipped for locking. Each such tank must have plainly and legibly painted thereon the words "Specially Denatured Alcohol Storage Tank," followed by its serial number and capacity in wine gallons, and be equipped with a suitable measuring device, whereby the actual contents will be correctly indicated. (Sec. 2829, I. R. C.)

QUALIFYING DOCUMENTS

CARRIERS

§ 182.175 *Application, Form 144.* Every person desiring to transport tax-free alcohol or specially denatured alcohol must file Form 144, "Application for Permit to Transport Tax-free or Specially Denatured Alcohol," in triplicate, for permit so to do. The carrier will specify the mode of transportation, such as railroad, express company, steamship, barge line, truck, etc., and the supervisory districts in which tax-free or specially denatured alcohol will be transported. Where steamship or barge lines or motor carriers operate between certain points and over certain courses or routes, such points and courses or routes will be specified in the application. Where the mode of transportation is by tank truck, the carrier will give the serial number of each tank truck and its capacity. In cases where transportation is in more than one supervisory district, the application shall be filed with the district supervisor in whose district the principal office or place of business of the applicant is located. The provisions of §§ 182.105, 182.106, 182.115, 182.117, and 182.118 are hereby extended, insofar as applicable, to carriers.

(a) *Persons entitled to permit.* Basic permits to transport tax-free or specially

denatured alcohol shall be issued only to reputable carriers who are actively and regularly engaged generally in the legitimate business of transportation, and who possess adequate facilities to insure safe delivery at destination of any tax-free or specially denatured alcohol transported by them. (Sec. 3114 (a), I. R. C.)

§ 182.179 *Conditions of approval.* No application shall be approved unless and until it is established by the applicant to the satisfaction of the district supervisor that he is a reputable carrier and is actively and regularly engaged generally in the legitimate business of transportation and that he possesses adequate facilities to insure safe delivery at destination of any tax-free alcohol or specially denatured alcohol which may be transported by him. No application for an original or renewal permit for the transportation in tank trucks of specially denatured alcohol shall be approved unless and until it is determined by the district supervisor, after inspection, that each tank truck meets the requirements of the regulations in this part.

§ 182.182 *Bond, Form 49—(a) Tax-free alcohol and specially denatured alcohol in containers other than tank trucks.* Every person filing an application for a basic permit to transport tax-free alcohol or specially denatured alcohol, upon filing his application, Form 144, and before issuance of basic permit pursuant thereto, and before transporting any tax-free alcohol or specially denatured alcohol, shall execute a bond on Form 49, "Bond to Transport Specially Denatured or Tax-free Alcohol," in triplicate, in conformity with the provisions of §§ 182.184 to 182.205, inclusive, and file the same with the district supervisor. *Provided*, That a bond will not be required if the applicant is a railroad or steamship company, or an express company operating thereon, or a motor carrier who has qualified with the Interstate Commerce Commission as a "self-insurer."

(b) *Specially denatured alcohol in tank trucks—(1) Transportation by motor carriers.* Motor carriers, as defined in the regulations in this part, in order to transport specially denatured alcohol by tank trucks, must procure permits so to do, in accordance with the regulations in this part and file bond, Form 49, in the penal sum specified in § 182.183. Where such permit is obtained and bond is filed, the permit will also authorize transportation of tax-free alcohol or specially denatured alcohol in barrels or drums without additional bond requirement.

(2) *Transportation by consignors or consignees.* A consignor or consignee, in order to transport specially denatured alcohol in tank trucks controlled and operated by such consignor or consignee, must file application on Form 144 and procure permit, Form 145, authorizing such transportation and file consent of surety, Form 1533, on his bond Form 1432-A, 1435, 1475 or 1480, extending the terms thereof to be liable for the tax, together with penalties and interest on all specially denatured alcohol withdrawn, transported, used, or sold in violation of laws or regulations now or hereafter in

force. If the maximum of the present bond is not sufficient when computed as set forth in § 182.183, a new bond in a sufficient penal sum must be furnished to cover the additional liability. These requirements shall not apply where specially denatured alcohol is withdrawn by the United States or any governmental agency thereof and is transported in tank trucks operated by employees of the United States.

(3) *Present permits and bonds.* Basic permits and bonds now held by motor carriers, and by consignors and consignees, which authorize the transportation of tax-free alcohol and specially denatured alcohol, may, on application and the filing of consents of surety, be modified to authorize tank truck shipments of specially denatured alcohol and to contain an undertaking to be liable for the tax, or an amount equal to the tax as provided in subparagraph (2) of paragraph (b) of this section. The consent of surety (or, if preferred, a new bond) must be modified so that the principal and surety will be responsible to the extent specified in § 182.183. (Sec. 3114 (a) I. R. C.)

§ 182.183 *Penal sum.* The penal sum of the bond must be computed at the rate of not less than \$1,000 for each vehicle (other than a tank truck) to be used by the permittee, nor more than \$10,000 for all such vehicles so used. The penal sum of the bond for the transportation of specially denatured alcohol in tank trucks shall be in the penal sum of \$50,000 for each such tank truck, and not more than \$200,000 for the total of all trucks used. (Sec. 3114 (a), I. R. C.)

BASIC PERMITS

ISSUANCE OF ORIGINAL BASIC PERMITS

§ 182.229 *Limitations under permit.*

* * *

(g) *Permit to transport tax-free and specially denatured alcohol, Form 145.* The permit will specify the supervisory districts in which the carrier will be permitted to transport tax-free or specially denatured alcohol. If the carrier is a steamship or barge line or motor carrier operating between certain points and over certain courses or routes, such points and courses or routes will be specified in the permit. If the carrier is other than a railroad, steamship, express company, or motor carrier qualified with the Interstate Commerce Commission as a "self-insurer," or has filed bond in less than the maximum penal sum, specified in § 182.183, the permit shall specify the number of vehicles to be used by the permittee in transporting tax-free or specially denatured alcohol in vehicles other than tank trucks and in case of tank trucks the permit shall specify the number of tank trucks to be used in the transportation of specially denatured alcohol and the serial number and capacity of each. (Sec. 3114, I. R. C.)

**OPERATION OF INDUSTRIAL ALCOHOL
PLANTS**

COLLECTION AND REMOVAL OF FUSEL OIL

§ 182.371 *Removal—(a) Containers.* Removable fusel oil may be drawn off

into barrels, drums, or similar packages, or into tank cars or tank trucks. Packages containing such fusel oil shall be marked by the proprietor with his name, plant number, location (city or town and State) the words "Fusel Oil," and the date of removal in distinct and legible letters. When removal is made in tank cars or tank trucks, the proprietor will affix to the route board of each tank car or tank truck a label containing such data.

PRODUCTION AND REMOVAL OF BUTYL ALCOHOL

§ 182.377 *Removal*—(a) *Containers*. Removable butyl alcohol may be drawn off into barrels, drums, or similar packages, or into tank cars or tank trucks. Packages containing such butyl alcohol shall be marked by the proprietor with his name, plant number, location (city or town and State) the words "Butyl Alcohol," and the date of removal in distinct and legible letters. When removal is made in tank cars or tank trucks, the proprietor will affix to the route board of each tank car or tank truck a label containing such data.

PRODUCTION AND REMOVAL OF ACETONE

§ 182.383 *Removal*—(a) *Containers*. Removable acetone may be drawn off into barrels, drums, or similar packages, or into tank cars or tank trucks. Packages containing such acetone shall be marked by the proprietor with his name, plant number, location (city or town and State) the word "Acetone," and the date of removal in distinct and legible letters. When removal is made in tank cars or tank trucks, the proprietor will affix to the route board of each tank car or tank truck a label containing such data.

PRODUCTION AND REMOVAL OF ETHER

§ 182.389 *Removal*—(a) *Containers*. Removable ether may be drawn off into barrels, drums, or similar packages, or into tank cars or tank trucks. Packages containing such ether shall be marked by the proprietor with his name, plant number, location (city or town and State) the word "Ether," and the date of removal in distinct and legible letters. When removal is made in tank cars or tank trucks, the proprietor will affix to the route board of each tank car or tank truck a label containing such data.

OPERATION OF INDUSTRIAL ALCOHOL BONDED WAREHOUSES

APPROVED CONTAINERS

§ 182.514 *Tank trucks prohibited*. The transportation of undenatured ethyl alcohol in tank trucks will not be permitted. (Sec. 3101, I. R. C.)

OPERATION OF INDUSTRIAL ALCOHOL DENATURING PLANTS

DENATURING MATERIALS

§ 182.706 *Sample for chemist*. The storekeeper-gauger shall take a 1-pint sample of each lot of each denaturant received at the denaturing plant, and forward or deliver the sample to the authorized chemist. Where a lot of any denaturant is received in a tank car, tank truck or in packages and is placed in two or more storage tanks, or is received in a

number of packages and retained therein pending analysis and approval of the denaturant, the storekeeper-gauger will take a proportionate sample from each tank or package, as the case may be, and thoroughly mingle the samples together. From this mixture the officer will take a 1-pint sample and forward or deliver it to the authorized chemist. The storekeeper-gauger shall then lock the tanks with a Government lock or securely close and seal the packages and none of the contents of the tanks or packages may be used until the sample has been officially tested and approved and a report of such test is received by the storekeeper-gauger in charge of the denaturing plant. All samples submitted for analysis must be placed in heavy glass bottles or other suitable containers, to be provided by the denaturer, and must be securely closed and sealed with a wax seal furnished for this purpose or a paper seal signed by the storekeeper-gauger taking the sample.

(a) *Labels on samples*. Each sample shall have a label, Form 1469, "Label for Denaturing Material," affixed thereto showing the name of the denaturer, plant number, serial number of the tank or the number and kind of the package from which the sample was taken, the kind and quantity of the denaturant represented by the sample, the date taken, and the name of the officer taking the sample. (Secs. 3070, 3102, I. R. C.)

APPROVED CONTAINERS

§ 182.728 *Railroad tank cars or tank trucks*. Denatured alcohol may be shipped in railroad tank cars only where the premises of both the denaturer and the consignee are equipped with suitable railroad siding facilities. Denatured alcohol may be transported by tank trucks only where suitable storage tanks are provided on the consignee's premises. The manhole covers, outlet valves and all other openings on all railroad tank cars or tank trucks used for shipping denatured alcohol shall be equipped with facilities for sealing so that the contents cannot be removed without showing evidence of tampering. Railroad or other appropriate seals, dissimilar in marking from cap seals used by the Bureau of Internal Revenue, for securing manhole covers, outlet valves and all other openings in tank cars or tank trucks containing denatured alcohol shall be furnished and affixed by the carrier or the proprietor: *Provided*, That serially numbered cap seals for use on tank trucks for the transportation of specially denatured alcohol shipped from denaturing plants shall be furnished by the Government and affixed by the storekeeper-gauger. Immediately after filling, the tank car or tank truck shall be sealed in such a manner as will secure all openings affording access to the contents of the tank.

(a) *Shipments of completely denatured alcohol*—(1) *To denaturers and their agents*. Completely denatured alcohol may be shipped in tank cars or tank trucks to other denaturing plants, as authorized in § 182.743. Completely denatured alcohol may also be shipped in tank cars or tank trucks by the denaturer

to a person or concern acting as his agent, where the title does not pass from the denaturer, for transfer to packages for sale to others, and such packages shall be furnished by the denaturer. When completely denatured alcohol is thus shipped, the packages filled by the agent must be marked the same as if filled in the denaturing plant of the denaturer (except that the registry number of such plant will be omitted), and must also bear the embossed symbol and serial number, as required in § 182.727. Completely denatured alcohol may also be shipped in tank cars or tank trucks by the denaturer to himself at other premises for disposition in the same manner as in the case of completely denatured alcohol disposed of directly from the denaturing plant of the producer, or it may be so shipped by the denaturer to other producers of completely denatured alcohol at points not on the denaturing plant premises of such other producers, where the product will be filled into properly marked and embossed packages of the person to whom the shipment is made.

(2) *To users*. Upon approval of the district supervisor, completely denatured alcohol may be shipped in tank cars or tank trucks to manufacturers for their own exclusive use and not for resale: *Provided*, That the completely denatured alcohol is run directly from the tank car or tank truck into suitable storage tanks on the manufacturer's premises. Manufacturers desiring to procure completely denatured alcohol in tank cars or tank trucks shall file application therefor with the district supervisor of their district. If the completely denatured alcohol is to be procured from a denaturer located in the same district, the application shall be filed in triplicate, and if the completely denatured alcohol is to be procured from another district, the application shall be filed in quadruplicate. The application shall give the name and address of the denaturer from whom it is desired to procure the completely denatured alcohol, and shall specify the quantity to be received, the reasons for desiring to receive the completely denatured alcohol in tank cars or tank trucks and whether the applicant's premises are equipped with railroad siding facilities. Where it is desired to receive completely denatured alcohol in tank cars or tank trucks regularly, the application may be made for that purpose. If the district supervisor approves the application he will note his approval on all copies thereof, retain one copy, return one copy to the applicant, and forward one copy to the denaturer, and, where shipment is to be made from another district, one copy to the district supervisor of such district. (Secs. 2808, 3070, 3108 (a) 3109, I. R. C.)

§ 182.731 *Tank trucks*. Tank trucks may be used for transporting completely denatured alcohol or specially denatured alcohol subject to the provisions of the regulations in this part. Every tank truck used to transport denatured alcohol must conform to the following requirement: The tank shall be securely and permanently attached to the frame or chassis of the truck or trailer and shall be securely constructed of metal. Inter-

for bulkheads or stiffeners must have proper drainage cut-outs. Manhole covers, outlet valves, vents or pressure relief valves, and all other openings shall be equipped for sealing so as to prevent unauthorized access to the contents of the tank. Outlets of each compartment must be so arranged that delivery of any compartment will not afford access to the contents of any other compartment. Partial delivery, by meter or otherwise, will not be permitted. There shall be but one consignor and one consignee per load. Calibrated charts, prepared or certified by competent and recognized authorities or engineers, showing the capacity of each compartment in wine gallons for each inch of depth shall be carried in each truck. Each tank truck shall also be equipped with a route board, at least 10 by 12 inches, constructed of substantial material and permanently attached thereto by roundheaded or carriage bolts, nutted and riveted, battered or welded. Provision will also be made for protection, against the weather, of the permit and label by the use of celluloid or equally substantial material. A copy of the basic permit under which transportation is authorized (as required by § 182.230) and the prescribed label will be affixed to such route board. Tanks shall be so constructed that they will completely drain the contents of each compartment, even when the ground is not perfectly level. Suitable ladders and cat walks, permanently attached, must be provided in order to permit ready examination of manholes and other openings. Provision shall be made for the proper grounding of tank trucks when filling or emptying. Prior to filling, the storekeeper-gauger, or the proprietor where no storekeeper-gauger is assigned, shall determine whether the tank truck is authorized to be used, by comparing the serial number and the capacity of the tank as marked thereon, with the basic permit, and will inspect all openings to the tank truck to determine whether they may be effectively sealed. If the tank truck does not meet such requirements, its use for the transportation of denatured alcohol will not be permitted. After filling, the storekeeper-gauger or the proprietor, as the case may be, shall seal the tank truck in such a manner as will secure all openings affording access to the contents of the tank. (Secs. 3070, 3108 (a), 3109, I. R. C.)

MARKS AND BRANDS

§ 182.738 *Tank cars and tank trucks*—

(a) *Tank cars.* Every railroad tank car used to transport denatured alcohol must have permanently and legibly marked or painted thereon its number, capacity in wine gallons, and the name or symbols of the owner. If the tank car consists of two or more compartments, each compartment must be identified by a letter of the alphabet, such as "A," "B," etc., and the capacity in wine gallons of the compartment must be marked thereon. The denaturer shall securely attach to the route board of each such tank car a label showing the name, registry number, and location (city or town and State) of the denaturing plant, and the name, address, and permit number (if any) of the person to whom the dena-

tured alcohol is shipped, followed by the date of shipment.

(b) *Tank trucks.* Every tank truck used to transport denatured alcohol must have permanently and legibly marked or painted thereon its number, capacity in wine gallons, and the name of the owner in letters at least four inches in height. If the tank truck consists of two or more compartments, each compartment must be identified by a letter of the alphabet, such as "A," "B," etc., and the capacity in wine gallons of each compartment must be marked thereon. The consignor shall securely attach to the route board of each tank truck, a label showing the name, registry number, and location (city or town and State) of the shipping plant or premises; the name, address and permit number (if any) of the person to whom the denatured alcohol is shipped, followed by the date of shipment; the quantity in wine gallons; and the formula number of denatured alcohol contained in each compartment. Such labels shall be destroyed upon emptying the tank truck. (Sec. 2808, I. R. C.)

TRANSFER OF DENATURED ALCOHOL BETWEEN DENATURING PLANTS

§ 182.750 *Receipt of denatured alcohol; general.* Upon receipt of the Forms 1467 and 1473, the storekeeper-gauger in charge of the receiving denaturing plant will make a memorandum record of the shipment and deliver the forms to the proprietor. When the denatured alcohol is received at the denaturing plant, the proprietor and the storekeeper-gauger will examine the shipment and where packages bear evidence of having sustained losses in transit, or railroad tank cars or tank trucks bear evidence of having sustained a loss, the losses will be determined and a report of such losses and of the examination of the shipment will be made to the district supervisor.

§ 182.752 *Method of deposit.* * * *

(b) *Denatured alcohol received in tank cars or tank trucks.* Denatured alcohol received in tank cars or tank trucks shall be weighed or measured and transferred immediately to storage tanks. If it is desired to receive denatured alcohol in railroad tank cars, proper railroad siding facilities must be provided at the denaturing plant. When denatured alcohol is received in tank cars or tank trucks, the seals must not be broken or any denatured alcohol removed, except in the presence of the storekeeper-gauger assigned to the receiving denaturing plant.

WITHDRAWAL OF DENATURED ALCOHOL

§ 182.754 *Specially denatured alcohol.* Specially denatured alcohol may be procured under appropriate permit by manufacturers using specially denatured alcohol, dealers in specially denatured alcohol, and the United States or governmental agency thereof. Prospective permittees or manufacturers may procure samples of specially denatured alcohol, as provided in § 182.826. Specially denatured alcohol must be removed from denaturing plants in approved containers, including tank cars and tank trucks provided the consignee's premises are equipped with suitable storage tanks.

The exact contents of each package must be determined and the package marked in accordance with the regulations in this part. The details of such packages shall be entered on the appropriate forms as hereinafter provided. Specially denatured alcohol removed from denaturing plants must be transported in accordance with § 182.677. The denaturer shall present the permit, Forms 1477, 1485, 1486, or 1512, authorizing shipment, to the storekeeper-gauger prior to withdrawal. (Secs. 3070, 3108 (a), 3109, 3114 (a), I. R. C.)

RECORDS AND REPORTS OF PROPRIETOR

§ 182.785 *Form 1453-A.* When specially denatured alcohol is shipped to the United States or a governmental agency thereof, the proprietor will prepare one copy of Form 1453-A, except in the case of tank truck shipments when two copies will be prepared, and deliver them to the storekeeper-gauger who will check the forms with the records and permit, and, if found to agree therewith, he will initial all copies of the form and in the case of tank truck shipments, enclose one copy in a sealed envelope addressed to the Government officer to whom the specially denatured alcohol is consigned, and give the same to the driver of the tank truck for delivery to such officer. Upon receipt of the specially denatured alcohol, the receiving Government officer will execute the certificate of receipt on the form, after noting thereon any deficiency in the quantity received, and forward it to the district supervisor specified at the bottom of the form. The other copy of Form 1453-A will be forwarded by the storekeeper-gauger at the time of shipment to the district supervisor of the district in which the consignor's premises are located. The data required by § 182.786 to be entered on Form 1473 covering tank truck shipments will be entered on Form 1453-A for such transactions. The provisions of § 182.786 (d) will be followed by district supervisors in verifying such shipments of specially denatured alcohol. (Sec. 3070, I. R. C.)

§ 182.786 *Form 1473.* When specially denatured alcohol is shipped from the denaturing plant, the proprietor will prepare Form 1473 reporting the shipment. One copy of the form will be made for intradistrict shipments, and two copies for interdistrict shipments. An additional copy of the form will be prepared in the case of tank truck shipments. Where the proof of the alcohol used in producing specially denatured alcohol is other than 190 degrees of proof, the proof must be shown on Form 1473. Where shipments are made in tank cars, tank trucks, or consist of barrels or drums in carload lots, the name of the carrier and number of the car or tank truck, together with the routing (in the case of railroad tank cars or box cars) shall be entered on the form. The consignor shall not change the routing without giving prompt notice of such action to the district supervisor of his district, and if shipment is made to another district, to the district supervisor of such district. In addition, the serial numbers of the seals used, and in the case of tank trucks,

the State license number, the driver's full name, and the driver's permit number and State issuing the same, shall be recorded on all copies of Form 1473.

(a) *Disposition of forms.* At the time of shipment, the proprietor will deliver all copies of Form 1473 to the storekeeper-gauger, who will check the forms with the records and permits (in the case of specially denatured alcohol) and if found to agree therewith, he will initial the forms. In the case of tank truck shipments, he will enclose one copy in a sealed envelope addressed to the consignee, and give the same to the driver of the tank truck for delivery to the consignee. On receipt at the consignee's premises, the storekeeper-gauger or the consignee will receipt for the shipment, verify the information on the form and note thereon any discrepancies relative to the shipment. The Form 1473 will be forwarded by the storekeeper-gauger or the consignee immediately to the district supervisor of the district in which the consignor is located. In addition, on the day shipments are made, the storekeeper-gauger will forward one copy of the form to the district supervisor of the district in which the consignor is located, and, if shipments are made to another district, one copy to the district supervisor of such district. The same procedure will be followed where shipments in tank trucks are made of completely denatured alcohol, except Forms 1473 will be modified to read "completely" instead of "specially" denatured alcohol.

(b) *Intradistrict shipments.* Where shipment is made to a consignee located in the same district as the denaturing plant, the district supervisor will check Form 1473 with the monthly reports of the consignor and the consignee, and, if receipt of the shipment is duly reported by the consignee and the form agrees with the consignor's monthly report, the district supervisor will initial Part II of the form.

(c) *Interdistrict shipments.* Where shipment is made to another district, the district supervisor of the consignee's district will check Form 1473 with the consignee's monthly report, and, if receipt of the shipment is duly reported, he will execute Part III of the form and forward it to the district supervisor of the district in which the alcohol was shipped, who will check the receipted form with the consignor's monthly report, and, if found to agree therewith, he will initial Part II of the form.

(d) *Nonreceipt of shipment.* When specially denatured alcohol is not received within a reasonable time after shipment, or where any material or unexplained difference exists between the kind and quantity shipped and that received, or where there is reasonable ground to suspect that the specially denatured alcohol has been or will be used for purposes other than those authorized by the consignee's permit and by the law and regulations, the district supervisor shall investigate each case and take appropriate action in respect thereto. In addition, the district supervisor will check daily, on receipt, the Form 1473 covering tank truck shipments, and make any inquiry which he

deems necessary with respect to any discrepancy. In the event of failure to receive a form from the storekeeper-gauger at the consignee's premises or from the consignee, as the case may be, within the time normally required for the truck to make the shipment and the form to be sent by mail, the district supervisor will make appropriate investigation. (Sec. 3070, I. R. C.)

SALE AND USE OF COMPLETELY DENATURED ALCOHOL

PROPRIETARY ANTI-FREEZE SOLUTIONS

§ 182.798 *Manufacture of proprietary anti-freeze solutions.* Proprietary anti-freeze solutions may be made with completely denatured alcohol for sale under trade names: *Provided*, That materials such as dye, rust inhibitor, petroleum distillates, etc., satisfactory to the Commissioner are added to the completely denatured alcohol in sufficient quantities to materially change to the composition and character of the completely denatured alcohol. Such solutions are not classified as completely denatured alcohol and may not be marked, branded, or sold as completely denatured alcohol. Completely denatured alcohol may not be obtained in tank cars or tank trucks for use in manufacturing proprietary anti-freeze solutions except by producers of denatured alcohol. (Secs. 3070, 3109, 3111, I. R. C.)

§ 182.802 *Prohibited containers.* Proprietary anti-freeze solutions may not be shipped in tank cars, tank trucks, or packages exceeding 55 wine gallons in capacity, except when shipped in tank cars or tank trucks by manufacturers to themselves at another location for packaging thereat in accordance with the regulations in this part. (Sec. 3070, I. R. C.)

OPERATIONS BY DEALERS IN SPECIALLY DENATURED ALCOHOL

RECEIPT OF SPECIALLY DENATURED ALCOHOL

§ 182.811 *Railroad tank cars or tank trucks.* If the bonded dealer receives specially denatured alcohol in railroad tank cars, railroad siding facilities for the receipt of such tank cars must be provided at the bonded dealer's premises. The denatured alcohol received in tank cars or tank trucks must be immediately deposited in storage tanks constructed in conformity with the provisions of § 182.102. When so deposited, the formula of the denatured alcohol shall be plainly marked on the storage tank. (Sec. 3070, I. R. C.)

FILLING OF PACKAGES BY BONDED DEALERS

§ 182.812 *When permissible.* Bonded dealers who receive specially denatured alcohol in tank cars or tank trucks and transfer the same to storage tanks in their storerooms, as provided in § 182.811, may fill packages of such specially denatured alcohol. Bonded dealers may also fill packages of specially denatured alcohol from denaturers' original packages where such original packages have been so damaged in transit as to necessitate repackaging, or where, upon receipt of approved Form 1477, Form 1485, Form 1486, or Form 1512, it is necessary

to fill smaller packages for sale to authorized permittees in quantities less than the contents of the denaturer's original package, and specially denatured alcohol of the formula desired is not available in storage tanks for the filling of such packages. (Secs. 2803, 2866, 3070, I. R. C.)

§ 182.813 *Sale.* Specially denatured alcohol may be sold by bonded dealers holding basic permit, Form 1476, to manufacturers using specially denatured alcohol, and to other bonded dealers in specially denatured alcohol, pursuant to withdrawal permit, Form 1485 or Form 1477, as the case may be. Bonded dealers may also furnish samples of specially denatured alcohol to manufacturers, other bonded dealers, and to prospective permittees pursuant to sample permit, Form 1512: *Provided*, That in the case of samples, where the quantity involved in any case does not exceed 3 fluid ounces, permit, Form 1512, will not be required. Sales of specially denatured alcohol may also be made to the United States or governmental agencies thereof pursuant to permit, Form 1486. The provisions of § 182.754, respecting sales of specially denatured alcohol by denaturers, are hereby made applicable to sales of specially denatured alcohol by bonded dealers. Specially denatured alcohol sold by bonded dealers must be transported in accordance with § 182.677. Record and report of such transactions shall be reported on Form 1478, as provided in § 182.822. Tank trucks used for the transportation of specially denatured alcohol by bonded dealers, after filling, shall be sealed by appropriate seals, serially numbered, furnished and affixed by the shipper. The seal shall be dissimilar in marking from the cap seals used by the Bureau of Internal Revenue. The serial numbers of seals used and the data with respect to the carrier set forth in § 182.786 will be recorded by the dealer on Form 1473. One copy of the form will be forwarded by the dealer to the district supervisor of the district in which the dealer is located. One copy of the form will be forwarded to, and verified, by the consignee, and forwarded by him to the district supervisor of the district in which the consignor is located. (Secs. 3070, 3109, 3114 (a), I. R. C.)

LOSSES OF SPECIALLY DENATURED ALCOHOL

§ 182.816 *Losses in transit.* Losses in transit to bonded dealer's premises must be ascertained at the time the specially denatured alcohol is received by the bonded dealer. Accordingly, when packages, tank cars or tank trucks are received which show evidence of having sustained a loss in transit the bonded dealer should determine the extent of the loss at that time. The quantity ascertained to have been lost will be reported on Form 1478 on the line on which receipt of the shipment is reported, and in the column provided therefor. Where the quantity lost from any package, tank car or tank truck exceeds 1 per cent of the quantity originally contained therein, claim for allowance of the entire quantity lost from the package, tank car or tank truck will be made by the bonded dealer. If the

loss does not exceed 1 per cent, so calculated, claim for allowance will not be required, provided there are no circumstances indicating that the specially denatured alcohol lost or any part thereof, was unlawfully used or removed. (Sec. 3113, I. R. C.)

CARRIERS

§ 182.908 *Restricted use of containers*—(a) *Tank trucks*. Tank trucks shall not be used for the transportation of undenatured ethyl alcohol.

(b) *Railroad tank cars*. Shipment of alcohol or denatured alcohol by railroad tank cars may be made only when the premises of the consignor and consignee are equipped with satisfactory railroad siding facilities and the consignee is otherwise authorized to receive such shipment. (Secs. 3111, 3114 (a), I. R. C.)

IMPORTATION OF ALCOHOL FOR INDUSTRIAL PURPOSES

§ 182.994 *Customs gauge and release*. Prior to release from customs custody, the alcohol will be gauged by a customs officer who will enter the details of the gauge on all copies of the Form 1440. When shipments are made in tank cars, the details of gauge of each tank car will be reported separately thereon in accordance with the column headings on Form 1440. The customs officer will also show on each copy of Form 1440 the country of exportation of the alcohol. In addition, he will ascertain and state on each copy of the Form 1440 the rate of customs duty paid on the alcohol and the rate of customs duty which would have been applicable had such spirits been imported for beverage purposes. The customs officer will forward two copies of Form 1440 to the storekeeper-gauger at the industrial alcohol plant, bonded warehouse, or denaturing plant designated in the application, and retain one copy for customs purposes. The storekeeper-gauger at the plant or warehouse will, on receipt of the two copies of Form 1440, verify the shipment, note on both copies any discrepancies, forward one copy to the district supervisor of the district in which the plant or warehouse is located, and deliver the remaining copy to the proprietor of the plant or warehouse. (Sec. 3125 (a) I. R. C.)

§ 182.995 *Tank car, tank truck, and package shipments*—(a) *Tank cars to be sealed*. Where shipments of alcohol from customs custody to the industrial alcohol plant, bonded warehouse, or denaturing plant are made in tank cars, all openings affording access to the tanks will be sealed by the customs officer with customs seals.

(b) *Packages*. Where shipments of alcohol from customs custody are made in packages, the customs officer will gauge and release the alcohol pursuant to appropriate permit, Form 1436 or Form 1463, and application, Form 1440, in triplicate, in the same manner as alcohol shipped in tank cars, except that the sealing of the car in which transported will not be required. (Sec. 3125 (a) I. R. C.)

§ 182.997 *Gauging*. Upon receipt of the alcohol at the industrial alcohol

plant, bonded warehouse, or denaturing plant from customs custody, it will be gauged in accordance with §§ 182.325 to 182.469 and §§ 182.683 to 182.790, inclusive, and the Gauging Manual: *Provided*, That where the bonded premises consist of storage tanks only, the spirits may be gauged upon receipt at such premises by any one of the following four methods, preference to be given in the order named:

(a) Weighed in scale tanks.

(b) Gauged by volume in accurately calibrated storage tanks.

(c) Weighed on railroad car scales located on bonded premises by weighing tank cars before and after filling and emptying, as the case may be.

(d) Gauged by volume in accurately calibrated tank cars. (Sec. 3125 (a), I. R. C.)

WITHDRAWAL OF IMPORTED ALCOHOL TAX FREE FOR USE OF THE UNITED STATES

§ 182.1006 *Bill of lading and customs seals*. Where the alcohol is transported by common carrier, the person to whom the alcohol was delivered for shipment shall furnish a copy of the bill of lading covering transportation of the alcohol from the port of entry to final destination to the governmental agency of the United States to whom the alcohol is consigned. If the alcohol is shipped in tank cars, all openings affording access to the tanks will be sealed by the customs officer with customs seals. (Sec. 3125 (b) I. R. C.)

2. Treasury Decision 5121, approved February 26, 1942, and Treasury Decision 5164, approved July 15, 1942, are hereby revoked.

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

(Secs. 2808, 2829, 2866, 3070, 3101, 3102, 3105, 3108, 3109, 3111, 3113, 3114, 3124, 3125, and 3176 of Internal Revenue Code (U. S. C., title 26, sections 2808; 2829, 2866, 3070, 3101, 3102, 3105, 3108, 3109, 3111, 3113, 3114, 3124, 3125, and 3176))

[SEAL] STEWART BERKSHIRE,
Acting Commissioner of
Internal Revenue.

[F. R. Doc. 47-3857; Filed, Apr. 22, 1947;
8:54 a. m.]

[26 CFR, Part 197]

DRAWBACK OF TAX ON DISTILLED SPIRITS USED IN MANUFACTURE OF NONBEVERAGE PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be

given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 3250 and 4041 of the Internal Revenue Code (26 U. S. C. A. 3250 and 4041)

Regulations 29 (26 CFR, Part 197) are hereby amended in these respects:

1. Sections 197.8, 197.24 (c) (2), 197.26 and Article VII (§§ 197.33 and 197.34) are revoked; and

2. Sections 197.2, 197.3, 197.5, 197.17, 197.18, 197.21, 197.22, 197.23 (d) 197.24 (d) 197.24 (e) 197.25, and 197.28, are amended as follows:

§ 197.2 *Definitions*. As used in the regulations in this part, the following terms shall have the meaning as defined herein:

(a) "Domestic distilled spirits" and "Distilled spirits" shall mean that substance known as ethyl alcohol produced at industrial alcohol plants operated under Regulations 3 (26 CFR, Cum. Sup., Part 182) and those substances known as whiskey, brandy, rum, or other spirits, produced at registered distilleries or fruit distilleries operated under Regulations 4 (26 CFR, Cum. Sup., Part 183) and 5 (26 CFR, Cum. Sup., Part 184)

(b) "Year" shall mean the period which begins July 1 and ends on the following June 30.

(c) "Intermediate products" shall mean products containing distilled spirits which are not subject to drawback until used in a nonbeverage product eligible for drawback.

§ 197.3 *Terms used in the statute.*
* * *

(c) "Time" The "time" at which distilled spirits shall be deemed to have been used is when the product contains the ingredients called for by an approved formula, or formulas prescribed by the United States Pharmacopoeia, the National Formulary, or the American Institute of Homeopathy, as the case may be. (Sec. 3250 (1) I. R. C.)

(d) "Filed" A claim for drawback shall be deemed to have been "filed" when it is delivered to the proper district supervisor, Alcohol Tax Unit, and by him received.

(e) "Total annual withdrawals" The term "total annual withdrawals" shall mean the total quantity of distilled spirits (proof gallons) which are used in the manufacture or production of nonbeverage products during a year.

§ 197.5 *Payment and rates of special tax*. Each person who uses distilled spirits in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes, in order to be eligible to claim the drawback on the distilled spirits so used, must pay special tax at the rate of \$25 per annum for total annual with-

drawals not exceeding 25 proof gallons of distilled spirits; \$50 per annum for total annual withdrawals not exceeding 50 proof gallons; or \$100 per annum for total annual withdrawals of more than 50 proof gallons. Where a claim is filed in the first quarter of a year, covering distilled spirits used during the last quarter of the preceding year, and special tax has not been paid for the preceding year, special tax for such preceding year must be paid in the appropriate amount prior to or at the time of filing the claim. Special tax, based upon estimated withdrawals, may be paid in advance of actual withdrawals. Adjustments of the special tax where improperly paid will be made in accordance with § 197.17. The manufacturer is not required to pay the special tax if he does not claim drawback on the distilled spirits used by him. (Secs. 3250 (1) and 4041 (a) I. R. C.)

§ 197.17 *Change to higher or lower rate of special tax*—(a) *Change to higher rate.* A manufacturer of nonbeverage products who pays special tax of \$25 per annum and has filed or intends to file a claim or claims for drawback covering distilled spirits in excess of 25 proof gallons used during the year for which the special tax was paid, must pay special tax of \$50 or \$100, as the case may be, and obtain a stamp therefor. The manufacturer may thereupon submit the special tax stamp of \$25 to the collector of internal revenue to whom the special tax was paid with a claim on Form 843 for refund of the value thereof. Similar procedure will govern in the case of a manufacturer of nonbeverage products who pays special tax of \$50 and has filed or intends to file claim for drawback covering distilled spirits used in excess of 50 proof gallons.

(b) *Change to lower rate.* A manufacturer of nonbeverage products who pays special tax of \$100 or \$50 per annum, as the case may be, and, during the year for which the special tax was paid, files claim or claims for drawback covering the use of not more than 50 or 25 proof gallons of distilled spirits, as the case may be, may file a claim on Form 843 for refund of the difference between the special tax paid and the special tax due. The special tax stamp shall be attached to the claim. (Secs. 3250 (1), 3304, 3770, and 4041 (a), I. R. C.)

§ 197.18 *Refund of special tax.* Refund of special tax may be made if it is established that the taxpayer did not file a claim for drawback for the period covered by the special tax stamp. Where claim for drawback was filed, refund of special tax may be made if it is established that no drawback was allowed or paid for the period covered by the stamp. (Secs. 3250 (1) and 3770, I. R. C.)

§ 197.21 *Claims.* The claim for drawback shall be filed on Form 843, "Claim," in duplicate, with the district supervisor, Alcohol Tax Unit, for the district in which the place of manufacture is located, and shall pertain only to distilled spirits used in the manufacture or production of nonbeverage products during any one quarter of the year, and only

one claim may be filed for each quarter. (Sec. 3250 (1), I. R. C.)

§ 197.22 *Date of filing claim.* The claim for drawback must be filed with the district supervisor, Alcohol Tax Unit, within the three months next succeeding the quarter in which the distilled spirits covered by the claim were used in the manufacture of nonbeverage products. (Sec. 3250 (1), I. R. C.)

§ 197.23 *Information to be shown by the claim.* * * *

(d) That the nonbeverage products were manufactured in compliance with (1) quantitative formulas filed with the Commissioner on Form 1678 prior to or at the time of manufacture, or (2) formulas prescribed by the United States Pharmacopoeia, the National Formulary, or the American Institute of Homeopathy.

§ 197.24 *Supporting data.* Each claim will be accompanied by statements of supporting data which shall be prepared in duplicate. One copy shall be attached to the original and one copy shall be attached to the duplicate of the claim. * * *

(d) *Summaries*—(1) *Summary of distilled spirits.* A statement showing in proof gallons the quantity of all distilled spirits on hand at the beginning of the quarter, quantity in process beginning of the quarter, quantity received during the quarter, quantity used during the quarter in the manufacture of nonbeverage products subject to drawback, quantity used in the manufacture of intermediate products, quantity otherwise used not subject to drawback, quantity in process at the end of the quarter, and the quantity remaining on hand at the end of the quarter. Distilled spirits in process will include distilled spirits represented in unfinished nonbeverage products, mixtures, menstrooms, etc. Any discrepancy between the amount of distilled spirits on hand at the end of the quarter as disclosed by actual inventory and the amount shown by the manufacturer's records must be reported in the summary with an explanation of the cause thereof.

(2) *Summary of distilled spirits recovered from the dregs or marc of percolation, or extraction, of products eligible for drawback under section 3250 (1), Internal Revenue Code.* A statement showing in proof gallons the quantity of all recovered distilled spirits on hand at the beginning of the quarter, quantity in process beginning of the quarter, quantity recovered during the quarter, quantity used not subject to drawback, quantity in process at the end of the quarter, and the quantity remaining on hand at the end of the quarter. Any discrepancy between the amount of recovered distilled spirits on hand at the end of the quarter as disclosed by actual inventory and the amount shown by the manufacturer's records must be reported in the summary with an explanation of the cause thereof. Distilled spirits recovered from dregs or marc of percolation, or extraction, of products eligible for drawback may be reused in the manufacture of medicines or flavoring ex-

tracts of the kind in which originally used. Such recovered distilled spirits are not eligible for drawback and may be reused only in the manufacture of nonbeverage products. They may not be used in the manufacture of intermediate products. (Sec. 190.4 (f), Reg. 15)

(3) *Summary of distilled spirits recovered from the dregs or marc of percolation, or extraction, of intermediate products.* A statement showing in proof gallons the quantity of all recovered distilled spirits on hand at the beginning of the quarter, quantity in process beginning of the quarter, quantity recovered during the quarter, quantity used during the quarter in the manufacture of nonbeverage products subject to drawback, quantity otherwise used, and the quantity remaining on hand at the end of the quarter. Any discrepancy between the amount of recovered distilled spirits on hand at the end of the quarter as disclosed by actual inventory and the amount shown by the manufacturer's records must be reported in the summary with an explanation of the cause thereof. Any distilled spirits recovered from the dregs or marc of percolation, or extraction, of intermediate products as defined in the regulations in this part are eligible for drawback of tax only when used in the manufacture of a nonbeverage product.

(e) *Statement of intermediate products.* A statement showing the quantity in wine gallons of each intermediate product and the quantity of distilled spirits (proof gallons) used therein: (1) On hand at the beginning of the quarter, (2) produced during the quarter, and (3) on hand at the end of the quarter, and showing the quantity in wine gallons of each intermediate product and the quantity of the distilled spirits contained therein (proof gallons) (1) Used during the quarter in eligible products, (2) used during the quarter in other intermediate products, and (3) otherwise disposed of during the quarter. Any discrepancy between the amount of intermediate products on hand at the end of the quarter as disclosed by actual inventory and the amount shown by the manufacturer's records must be reported in the statement with an explanation of the cause thereof. Only the distilled spirits remaining in an intermediate product at the time of its use in the manufacture of an approved nonbeverage product are eligible for drawback.

§ 197.25 *Handling of claims.* The district supervisor, Alcohol Tax Unit, will date-stamp each copy of the claim on Form 843, and, after recording, will examine the claim for the purpose of determining whether it is properly executed and that all supporting data have been submitted and will conduct such inquiries and investigations as may be necessary to verify that drawback is allowable on the distilled spirits covered by the claim. After completion of such verification he will forward the original copies of the claim and supporting data, and a copy of the report of investigation, with his recommendation as to the merit of the claim to the Commissioner. (Sec. 4041 (a), I. R. C.)

§ 197.28 *Statement of process.* The Commissioner, at his discretion, may at any time require any person claiming drawback under the regulations in this part to file a statement of process in addition to that required by Form 1678 and such other data as he may deem

necessary for consideration of such person's claim for drawback. When such additional data are required, the statement of process should be submitted in triplicate with copies of the commercial labels used on the finished products. (Sec. 3250 (1) I. R. C.)

(Secs. 3250 and 4041 of Internal Revenue Code (26 U. S. C. A. 3250 and 4041))

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

[F. R. Doc. 47-3856; Filed, Apr. 22, 1947;
8:49 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

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

[Vesting Order 8724]

EDWARD SCHMIDT

In re: Bank account owned by Edward Schmidt also known as Eduard Schmidt. F-28-28166-E-1, F-28-28166-C-1.

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

1. That Edward Schmidt, also known as Eduard Schmidt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation of Harlem Savings Bank, 124 East 125th Street, New York 35, N. Y., arising out of a Savings Account, Account Number 555,232, entitled Hedwig Schmidt, in trust for Eduard Schmidt, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Edward Schmidt, also known as Eduard Schmidt, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-3833; Filed, Apr. 21, 1947;
8:52 a. m.]

[Vesting Order 8725]

DENA STOHR

In re: Bank account owned by Dena Stohr, also known as Dina Stohr. D-28-5963-C-1, D-28-5963-E-1.

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

1. That Dena Stohr, also known as Dina Stohr, whose last known address is Ringstrasse 15, Malschenberg, Amt Wiesloch, Baden, Germany, is a resident of Germany, and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Dena Stohr, also known as Dina Stohr, by Franklin Savings Bank in the City of New York, Eighth Avenue and 42d Street, New York, New York, arising out of a savings account, Account Number 386562, entitled Dena Stohr, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-3834; Filed, Apr. 21, 1947;
8:52 a. m.]

[Vesting Order 8726]

CAMILLO ZIRN

In re: Bank account owned by Camillo Zirn.

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

1. That Camillo Zirn, whose last known address is 26 Yamamoto-Dori, 2-Chome, Kobe-Ku, Kobe, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to Camillo Zirn, by the National City Bank of New York, 55 Wall Street, New York, New York, arising out of a clean credit deposit account, entitled Dr. Camillo Zirn, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3835; Filed, Apr. 21, 1947; 8:53 a. m.]

[Vesting Order 7465, Amdt.]

HONOLULU SODA WATER CO.

In re: Claims against Honolulu Soda Water Company, Limited, owned by Shotaro Shimizu and others. D-39-996.

Vesting Order 7465, dated August 16, 1946, is hereby amended as follows and not otherwise:

By deleting therefrom Exhibit A which is attached thereto and made a part thereof and substituting therefor Exhibit A which is attached hereto and made a part hereof; and

By deleting from subparagraph 2 of said Vesting Order 7465 the name "Bank of Hawaii" and substituting therefor the name "Bishop National Bank of Hawaii."

All other provisions of said Vesting Order 7465 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

EXHIBIT A

Amount of Claim Against Honolulu Soda Water Co. Ltd., as of Jan. 23, 1946

Name:		
Shotaro Shimizu.....	\$86.41	
Yoshiyuke (Yoshisuke) Shindo.....	59.24	
Riutaro (Rintaro) Nakatsu.....	59.24	
Kumataro Yamashita.....	35.54	
Ishichi (Ichichi) Matsuda.....	8.86	
Umekichi Kanda.....	11.84	
Total		261.13

[F. R. Doc. 47-3866; Filed, Apr. 22, 1947; 8:59 a. m.]

[Vesting Order 7911, Amdt.]

ELIZABETH GERTRUDE MEYER ET AL.

In re: Stocks owned by and debts owing to Elizabeth Gertrude Meyer, Walter Henniger and Robert Otto Meyer, also known as R. O. Meyer. 2037-47.

Vesting Order 7911, dated December 12, 1946, is hereby amended as follows and not otherwise:

By deleting from subparagraph 2 of said Vesting Order 7911 the certificate number 0324 set forth with respect to one hundred (100) shares of the capital

stock of The Ruberoid Company, 500 Fifth Avenue, New York, New York, registered in the name of Elizabeth Gertrude Meyer and substituting therefor the certificate number 324.

All other provisions of said Vesting Order 7911 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3867; Filed, Apr. 22, 1947; 8:59 a. m.]

[Vesting Order 8650].

ICHI TARO AMANO

In re: Stock, a bank account and a claim owned by Ichitaro Amano. D-39-15133-D-1, F-39-1386-C-1, F-39-1386-E-1.

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

1. That Ichitaro Amano, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows:

a. That certain debt or other obligation owing to Ichitaro Amano by Fuji Furniture Co., Ltd., 40-48 S. Beretania Street, Honolulu, T. H., in the amount of \$576.79, as of December 31, 1945, together with any and all accruals thereto, and any and all right to demand, enforce and collect the same,

b. 125 shares of \$20 par value common capital stock of Fuji Furniture Co., Ltd., 40-48 S. Beretania Street, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by certificates numbered 1, 3, and 24, registered in the name of Ichitaro Amano, together with all declared and unpaid dividends thereon,

c. 45 shares of \$20 par value 5% cumulative preferred capital stock of Fuji Furniture Co., Ltd., 40-48 S. Beretania Street, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by certificate number 1, registered in the name of Ichitaro Amano, together with all declared and unpaid dividends thereon, and

d. That certain debt or other obligation owing to Ichitaro Amano, by Bishop National Bank of Hawaii, Honolulu, T. H., arising out of a savings account, Account Number 50799, entitled Ichitaro Amano, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the

aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3862; Filed, Apr. 22, 1947; 8:59 a. m.]

[Vesting Order 8656]

YOICHI HORIUCHI ET AL.

In re: Stock and bank accounts owned by Yoichi Horiuichi and others. D-39-15133-D-1.

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

1. That the persons named in subparagraph 2a, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan)

2. That the property described as follows:

a. 70 shares of \$20 par value common capital stock of Fuji Furniture Co., Ltd., 40-48 S. Beretania Street, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Yoichi Horiuichi.....	7	15
Katsuo Horiuichi.....	21	25
Yoshi Kajiwara.....	11	10
Eitaro Sakata.....	12	20

together with all declared and unpaid dividends thereon, and

b. Those certain debts or other obligations owing to the persons named in Exhibit A, attached hereto and by reference made a part hereof, by the Bishop National Bank of Hawaii, Honolulu, T. H., arising out of savings accounts, which

account numbers appear opposite the names of the persons listed in Exhibit A, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

3. That to the extent that the persons listed in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

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

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

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

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.
EXHIBIT A

BANK ACCOUNTS IN BISHOP NATIONAL BANK OF HAWAII OWNED BY YOICHI HORIUCHI AND OTHERS

Name of Depositor, Type of Bank Account and Number of Bank Account

Yoichi Horiiuchi, Savings account, 50654.
Katsuo Horiiuchi, Savings account, 50617.
Yoshio Kajiwara, Savings account, 50488.
Eitaro Sakata, Savings account, 50464.

[F. R. Doc. 47-3863; Filed, Apr. 22, 1947; 8:59 a. m.]

[Vesting Order 8722]

MARIA ONNERTZ ET AL.

In re: Stock owned by Maria Onnertz, Luise Onnertz, Margarete Onnertz and Mrs. Auguste Icks. F-28-11888-D-1.

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

1. That Maria Onnertz, whose last known address is Berlin, Germany, and Luise Onnertz, Margarete Onnertz and Mrs. Auguste Icks, each of whose last known address is Krefeld, Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows: Sixteen (16) shares of \$100 par value debenture stock of E. I. du Pont de Nemours and Company, 1007 Market Street, Wilmington, Delaware, a corpora-

tion organized under the laws of the State of Delaware, evidenced by certificate number G127271, registered in the name of Paul Onnertz, together with all declared and unpaid dividends thereon, and any and all rights thereunder and there-to,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Maria Onnertz, Luise Onnertz, Margarete Onnertz and Mrs. Auguste Icks, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3864; Filed, Apr. 22, 1947; 8:59 a. m.]

[Vesting Order 8743]

JOHANNA KLARA MARIA DORING ET AL.

In re: Stock owned by Johanna Klara Maria Doring and others. F-28-863-D-1.

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

1. That the persons, whose last known addresses are set forth opposite their names, as follows:

Name and Address

Johanna Klara Maria Doring, Bohrstrasse 6, Hanau a/Main, Germany.

Erna Wilhelmine Clara Huning, Charlottenburg, Germany.

Carl Heinrich Doring, Dresden, Germany.

Martha Maria Else Feddersen, Berlin-Steglitz, Germany.

Bernhard Anton Erich Doring, Hanau, Germany,

are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: Ten (10) shares of \$100 par value capital stock of Swift & Company, Union

Stock Yards, Chicago 9, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by certificate number D 90274, registered in the name of E. F. Doring Estate, together with all declared and unpaid dividends thereon,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3865; Filed, Apr. 22, 1947; 8:59 a. m.]

ALBERT H. STRONSTORFF

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No. and Property

Albert H. Stronstorff; 4191-A-445; all right, title, and interest in and to United States Letters Patent No. 2,134,494. This return shall not be deemed to include the rights of any licensees under said patent.

For the Attorney General.

Executed at Washington, D. C., on April 17, 1947.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-3866; Filed, Apr. 22, 1947; 8:59 a. m.]

OTTMAR LOEW

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., and Property

Ottmar Loew (formerly Ottmar Makoto Loew), Los Angeles, Calif., Claim 5624; an undivided one-half interest in property described in Vesting Order No. 2430 (8 F. R. 16538, December 8, 1943) relating to United States Letters Patent No. 1,881,227 to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on April 17, 1947.

For the Attorney General.

DONALD C. COOK,
Director.

[F. R. Doc. 47-3869; Filed, Apr. 22, 1947; 8:59 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-141]

ACCIDENT AT ADA, OKLA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States registry NC 8707H which occurred at Ada, Oklahoma, on April 13, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-mentioned proceeding that hearing is hereby assigned to be held on Thursday, April 24, 1947, at 9:00 a. m. (local time), in Room 304, Federal Building, Ada, Oklahoma.

Dated at Washington, D. C., April 17, 1947.

[SEAL] **ROBERT W. CHRISP,**
Presiding Officer.

[F. R. Doc. 47-3853; Filed, Apr. 22, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-982]

NORFOLK & WESTERN RAILWAY Co.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of April A. D. 1947.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for un-

listed trading privileges in the Common Stock, \$100 par value, of Norfolk & Western Railway Company, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to May 7, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

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

[F. R. Doc. 47-3860; Filed, Apr. 22, 1947; 8:55 a. m.]

[File Nos. 64-74, 69-69]

**NORTH CONTINENT UTILITIES CORP. ET AL.
SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO LIQUIDATION PLAN**

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 16th day of April A. D. 1947.

The Commission having by order entered on November 16, 1943 (Holding Company Act Release No. 4686) approved a plan providing for the liquidation and dissolution of North Continent Utilities Corporation ("North Continent") a registered holding company, filed by that company and its subsidiary companies pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, designed to enable the North Continent holding company system to comply with section 11 (b) of the act; and the Commission having by said order reserved jurisdiction as to any steps taken to effectuate disposition of North Continent's assets;

The District Court of the United States for the District of Delaware having on March 17, 1944 entered an order approving said plan, and having on July 7, 1945, entered an amendatory order providing that "North Continent Utilities Corporation until further order of this court may enter into transactions not inconsistent with the plan, including sales of its assets or assets of its subsidiaries, upon the filing of appropriate applications and declarations with, and the entry of appropriate orders by the Securities and Exchange Commission, in conformity with the Public Utility Holding Company

Act of 1935 and the rules, regulations and orders promulgated and issued thereunder";

The Commission having by order entered on November 5, 1945 (Holding Company Act Release No. 6190) released jurisdiction in respect of the following transactions:

(a) The sale by Elk River Power & Light Company, a wholly owned subsidiary of North Continent, of all its physical properties to the Village of Elk River, a municipal corporation in Minnesota, for a base price of \$50,000;

(b) The following sales by New Mexico Public Service Company, a wholly owned subsidiary of North Continent, of certain of its physical properties, known as its "Farmington Division":

(1) The sale of the properties of the "Farmington Division" located in the Town of Farmington and extending five miles beyond the town's boundaries to the Town of Farmington, a municipal corporation in New Mexico, for a base price of \$210,000;

(2) The sale of the properties of the "Farmington Division" extending more than five miles beyond the Town of Farmington's boundaries to Basin Light and Power Company, a New Mexico corporation, for a base price of \$90,000;

North Continent having filed an application and amendments thereto requesting a supplemental order releasing jurisdiction in respect of the sale by New Mexico Public Service Company of certain of its physical properties, known as its "Hot Springs Division" to the Town of Hot Springs, a municipal corporation in New Mexico, for a base price of \$167,500; and it appearing to the Commission that said transaction represents a necessary step to effectuate disposition of the assets of North Continent, and that said sale is, by virtue of the provisions of paragraph (b) (3) of Rule U-44 promulgated under the provisions of section 12 (d) of the act, excepted from the requirements of Rule U-44; and that jurisdiction should be released in respect of said sale;

It is ordered, That jurisdiction reserved in the order heretofore entered herein on November 16, 1943, be and hereby is released in respect of said sale.

It is further ordered, That in all other respects said order of November 16, 1943, remains in full force and effect.

North Continent having requested that the order entered herein contain findings and recitals necessary to meet the requirements of sections 371, 372, 373 and 1808 of the Internal Revenue Code, as amended, in respect of said sale by New Mexico Public Service Company of its "Hot Springs Division" as well as the sales by New Mexico Public Service Company and by Elk River Power & Light Company referred to in our order of November 5, 1945, and hereinabove described, and in respect of the use of the proceeds of all said sales; and it appearing that said request may be appropriately granted;

It is further ordered and recited, That the following transactions are necessary and appropriate to the integration or simplification of the North Continent holding company system, of which New

Mexico Public Service Company and Elk River Power & Light Company are members, and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935;

(a) The sale by New Mexico Public Service Company of certain of its physical properties, known as its "Hot Springs Division" to the Town of Hot Springs, New Mexico, for a base price of \$167,500;

(b) The use by New Mexico Public Service Company of the net proceeds of the aforesaid sale, together with other funds of said company, to reduce the unpaid principal amount of its promissory notes, dated February 24, 1934, aggregating \$550,000, held by North Continent Utilities Corporation;

(c) The sale by Elk River Power & Light Company of all its physical properties to the Village of Elk River, Minnesota, for a base price of \$50,000;

(d) The use by Elk River Power & Light Company of the net proceeds of the aforesaid sale, together with other funds of said company, to reduce the unpaid principal amount of its promissory note, dated February 23, 1929, in the principal amount of \$145,000, held by North Continent Utilities Corporation;

(e) The sales by New Mexico Public Service Company of certain of its physical properties, known as its "Farmington Division," in part to the Town of Farmington, New Mexico and in part to Basin Light and Power Company for base prices of \$210,000 and \$90,000, respectively;

(f) The use by New Mexico Public Service Company of the net proceeds of the aforesaid sales, together with other funds of said company, to reduce the unpaid principal amount of the promissory notes referred to in subdivision (b) above, held by North Continent Utilities Corporation;

(g) The use by North Continent Utilities Corporation of the funds received by it as a result of the transactions referred to in subdivisions (a) through (f) above to cause ratable payments to be made on the unpaid principal amount of its First Lien Collateral and Refunding Gold Bonds, Series A, 5½%, due January 1, 1948;

The properties referred to in subdivision (a) above being more completely specified, itemized, and described in the Exhibit annexed to the amended application filed herein on March 24, 1947, and the properties referred to in subdivision (c) and (e) above being more completely specified, itemized, and described in the Exhibits annexed to the applications filed herein on September 28, 1945 and September 20, 1945, respectively said specifications, itemizations, and descriptions of said properties contained in said exhibits to said applications are hereby incorporated by reference in this order and made a part hereof, with the same force and effect as if set forth at length herein.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-3859; Filed, Apr. 22, 1947;
8:54 a. m.]

[File No. 70-1502]

VIRGINIA ELECTRIC AND POWER Co.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of April A. D. 1947.

Notice is hereby given that Virginia Electric and Power Company ("Virginia") a public utility operating company and subsidiary of Engineers Public Service Company, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder. Applicant designates sections 9 (a) (1) and 10 of the act as applicable to the proposed transactions.

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

East Coast Electric Company ("East Coast") proposes to file a declaration which will seek authority to sell at competitive bidding, pursuant to the provisions of Rule U-50 promulgated under the act, 60,000 shares of its common stock, \$10 par value, and \$1,300,000 principal amount of First Mortgage Bonds, Series A, due January 1, 1977, being all the securities of the company then outstanding. East Coast, presently known as Virginia East Coast Utilities, Inc., a subsidiary operating company of East Coast Public Service Company, a registered holding company, is presently undergoing reorganization pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935. Virginia desires to qualify as a bidder for such common stock and bonds, when and if such securities are offered at competitive bidding by East Coast.

Virginia proposes, if it is the successful bidder for the East Coast securities, to finance its purchase temporarily with treasury cash to the extent available, and any excess cash required will be obtained under a credit agreement with The Chase National Bank of the City of New York, pursuant to which agreement Virginia is authorized to borrow up to an aggregate of \$5,000,000. The application states that permanent financing of this proposed acquisition is expected to be accomplished subsequently.

The application further states that in the event Virginia acquires the common stock and bonds of East Coast, Virginia will either cause East Coast to transfer its property and assets to Virginia and thereupon dissolve and will file any necessary applications in connection therewith, or it will file an application with the Commission requesting exemption of Virginia as a holding company.

The applicant further states that the State Corporation Commission of Virginia has jurisdiction over the proposed transaction.

It is ordered, That a hearing on said matters under the applicable provisions of the act and the rules of the Commission thereunder, be held on April 28, 1947, at 10:00 a. m., e. d. s. t., at the offices of the Securities and Exchange

Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That William W. Swift or any other hearing officer or officers designated by the Commission to preside at such hearing shall exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That the specific matters of fact and law to be considered and determined at said hearing (subject to such amendment as may hereafter be made and subject to the consideration and determination of such other issues as may be raised by interested parties) are the following:

(1) Whether the proposed acquisition by Virginia of the securities of East Coast meets the requirements of the applicable provisions of the act, particularly section 10 thereof.

(2) Whether, within the meaning of section 10 (b) (1) of the act, the acquisition by Virginia of the common stock of East Coast will tend toward a concentration of control of public utility companies of a kind or to an extent detrimental to the public interest or the interest of investors or consumers.

(3) Whether, within the meaning of section 10 (c) (1) of the act, the proposed acquisition by Virginia of the securities of East Coast will be detrimental to the carrying out of the provisions of section 11.

(4) Whether, within the meaning of section 10 (c) (2) of the act, the acquisition by Virginia of the securities of East Coast will serve the public interest by tending toward the economical and efficient development of an integrated public-utility system.

(5) Whether, if the proposed acquisition is authorized and Virginia is the successful bidder, the accounting entries to be made upon the books of Virginia meet the requirements of the applicable provisions of the act.

(6) Whether, if the proposed acquisition by Virginia is authorized and Virginia is the successful bidder, the proposed financing of such acquisition satisfies the standards of sections 7 (c) and (d) of the act.

(7) Whether the fees, commissions or other remunerations to whomsoever paid in connection with the proposed transactions are reasonable.

(8) Whether it is necessary or appropriate to impose terms or conditions with respect to the proposed transactions in the public interest or for the protection of investors or consumers, and if so, what terms and conditions should be imposed.

It is further ordered, That any person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before the 25th day of April 1947, his requests or application therefor, as provided by Rule XVII of the rules of practice of the Commission. Such requests shall set forth the nature of such person's interest in the proceedings, the reasons for request to be heard or to intervene, which of the

issues, as set forth above, such person proposes to controvert, together with a statement of any additional issues proposed to be raised in such proceedings.

It is further ordered, That jurisdiction be, and hereby is, reserved to separate, either in whole or in part, or for disposition in whole or in part, any of the issues, questions or matters herein set forth, or which may arise in these proceedings, or to consolidate with these proceedings other filings or matters per-

taining to the subject matter of these proceedings and to take such other action as may appear conducive to an orderly, prompt and economic disposition of the matters involved.

It is further ordered, That the Secretary of this Commission shall serve notice of the aforesaid hearing by mailing a copy of this order to Virginia, East Coast, and the State Corporation Commission of Virginia by registered mail, and to all other interested persons by general re-

lease of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the act and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-3858; Filed, Apr. 22, 1947;
8:54 a. m.]

