



FEDERAL REGISTER

VOLUME 18 NUMBER 146

Washington, Tuesday, July 28, 1953

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, the positions listed below are excepted from the competitive service under Schedule C.

§ 6.302 *Department of State.* * * *

(b) *Bureau of Security and Consular Affairs.* * * *

(5) One Staff Assistant to the Deputy Administrator.

* * * * *

(e) *Office of the Assistant Secretary for Economic Affairs.* (1) One Deputy Assistant Secretary for Economic Affairs.

§ 6.303 *Treasury Department—(a) Office of the Secretary.* * * *

(8) One Assistant to the Secretary and Personnel Security Officer.

§ 6.323 *Department of Health, Education, and Welfare—(a) Office of the Secretary.* * * *

(5) One Deputy Director of Security.

§ 6.360 *Small Defense Plants Administration.* (a) Director, Office of Contract Procurement.

(b) Director, Office of Information.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

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

[F. R. Doc. 53-6612; Filed, July 27, 1953; 8:51 a. m.]

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

REOPENED APPEALS

Effective upon publication in the FEDERAL REGISTER, § 22.11 (e) (2) is amended to read as follows:

§ 22.11 *Further appeals to the Commissioners.* * * *

(e) *Reopened appeals.* * * *

(2) The Commission will, at the request of preference eligibles, reopen and reconsider previous decisions and actions on appeals under section 14 of the Veterans' Preference Act of 1944, relative to demotions in any Adjustment of Ungraded Supervisory Force under Department of the Navy Civilian Personnel Instruction 160, 6-3. Requests for consideration under this subparagraph should be submitted to that office of the Commission from which the last previous decision on the appeal was received by the appellant, or to which the appeal was submitted in instances where no decision was received. Such requests must be submitted to the appropriate office of the Commission not later than November 25, 1953.

(Secs. 11, 19, 58 Stat. 390, 391; 5 U. S. C. 820, 868)

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

[F. R. Doc. 53-6613; Filed, July 27, 1953; 8:51 a. m.]

PART 35—RESTORATION OF FEDERAL EMPLOYEES AFTER SERVICE IN THE ARMED FORCES

Effective upon publication in the FEDERAL REGISTER, Part 35 is revised and amended to read as follows:

SUBPART A—RESTORATION OF PERMANENT EMPLOYEES

- Sec.
- 35.1 Coverage.
 - 35.2 Agency action at time employee leaves.
 - 35.3 Agency action while employee is absent.
 - 35.4 Requirements for restoration.
 - 35.5 Agency action at time employee returns.
 - 35.6 Appeals to the Commission.
 - 35.7 Commission action on appeal.

AUTHORITY: §§ 35.1 to 35.7 issued under sec. 9, 62 Stat. 614; 50 U. S. C. App. 459. E. O. 10180, Nov. 13, 1950, 15 F. R. 7745; 3 CFR 1950 Supp.

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplements are now available:

Title 6 (\$1.50); Title 14: Part 400—end (Revised Book) (\$3.75); Title 32: Parts 1—699 (\$0.75); Title 38 (\$1.50); Title 43 (\$1.50); Title 46: Part 146—end (\$2.00)

Previously announced: Title 3 (\$1.75); Titles 4—5 (\$0.55); Title 7: Parts 1—209 (\$1.75), Parts 210—899 (\$2.25), Part 900—end (Revised Book) (\$6.00); Title 8 (Revised Book) (\$1.75); Title 9 (\$0.40); Titles 10—13 (\$0.40); Title 15 (\$0.75); Title 16 (\$0.65); Title 17 (\$0.35); Title 18 (\$0.35); Title 19 (\$0.45); Title 20 (\$0.60); Title 21 (\$1.25); Titles 22—23 (\$0.65); Title 24 (\$0.65); Title 25 (\$0.40); Title 26: Parts 80—169 (\$0.40), Parts 170—182 (\$0.65), Parts 183—299 (\$1.75); Title 26: Part 300—end, Title 27 (\$0.60); Titles 28—29 (\$1.00); Titles 30—31 (\$0.65); Title 32: Part 700—end (\$0.75); Title 33 (\$0.70); Titles 35—37 (\$0.55); Title 39 (\$1.00); Titles 40—42 (\$0.45); Titles 44—45 (\$0.60); Title 46: Parts 1—145 (Revised Book) (\$5.00); Titles 47—48 (\$2.00); Title 49: Parts 1—70 (\$0.50), Parts 71—90 (\$0.45), Parts 91—164 (\$0.40), Part 165—end (\$0.55); Title 50 (\$0.45)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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SUBPART B—RESTORATION OF NONPERMANENT EMPLOYEES

Sec.	
35.51	Coverage.
35.52	Agency action at time employee leaves.
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35.54	Requirements for restoration.
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AUTHORITY: §§ 35.51 to 35.57 issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633; E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR 1947 Supp.

SUBPART A—RESTORATION OF PERMANENT EMPLOYEES

§ 35.1 Coverage. The regulations in this subpart apply to any person who, subsequent to June 24, 1948, leaves other than a temporary position in the executive branch of the Federal or the District of Columbia Government and enters on active duty for service in the armed forces of the United States. The regulations in this subpart also apply to any permanent employee who has been indefinitely promoted or reassigned to the position he leaves to enter such service.

§ 35.2 Agency action at time employee leaves—(a) Military furlough or separation—(1) Recording of action. Each employee entering the armed forces for active service shall be furloughed or separated for military service at the option of the agency. At the time he returns to duty the employee shall be considered as having been on military furlough and shall be entitled to all the benefits provided by law or the regulations in this subpart.

(2) *Job identity requirements.* The agency concerned shall positively identify the position the employee is leaving.

(b) *Leave of absence.* Agencies shall grant a leave of absence to an employee for the purpose of entering, determining physical fitness to enter, or performing training duty in the armed forces of the United States. Upon application within 30 days after release from training duty or after rejection, the employee shall be returned to his position without reduction in seniority, status, or pay, except as such reduction may be made for all employees similarly situated.

§ 35.3 *Agency action while employee is absent*—(a) *Regradings.* If the employee's position is regraded upward during his absence, personnel action shall be taken placing him in the regraded position unless it is clearly shown that he is not qualified for the position. If the position is regraded downward during his absence, no personnel action shall be taken until he returns and is restored. At that time the downgrading must be processed under section 14 of the Veterans' Preference Act of 1944, as amended.

(b) *Promotions.* An employee absent on military duty shall be given the same consideration for promotion as employees who are serving in the agency at that time. He shall be considered for any and all promotions for which he would normally have been considered had he not been absent on military duty. Agencies will be held responsible for maintaining adequate records to assure such consideration during the time he is absent. Any such promotion shall be effected as of the date it would have been made notwithstanding the absence for military duty.

(c) *Reorganizations.* In the event of any reorganization within an agency which affects the position of any employee absent on military duty, the agency is responsible for determining the position of comparable grade to which the employee shall be assigned and for recording the same on official records.

(d) *Abolition of the agency or transfer of functions.* If any functions of any agency are transferred to another agency or to a continuing or successor agency, the employee absent on military duty may be reassigned to another position of comparable grade in the agency. If this is not done, the head of the receiving agency shall be responsible for taking official action transferring the employee to said agency. In event the agency is abolished and the functions are not transferred to any other agency, it shall be the responsibility of the head of the agency which is being abolished to furnish to the Commission a list of all employees absent in the armed forces and to note the Official Personnel Folders accordingly. This list shall contain, in addition to the names of the employees, the date of birth, position, grade, and salary, and the organizational unit of the agency in which they were employed.

(e) *Notice of right to appeal.* When an agency refuses to restore, or determines that it is not feasible to restore an employee as provided in this subpart, the agency shall notify the employee in writ-

ing to this effect and of his right to appeal to the Commission. A copy of the notice shall be forwarded to the Commission.

§ 35.4 *Requirements for restoration.* Any employee covered by the regulations in this subpart who, after June 24, 1948, is inducted, enlists, or is ordered or called into the armed forces of the United States for active service, is entitled to restoration if he serves not more than four years (exclusive of any additional service imposed according to law), receives a certificate of Satisfactory Completion of Training and Service; makes application for restoration within 90 days after discharge or from hospitalization continuing after discharge for not more than one year; and is qualified to perform the duties of the position.

§ 35.5 *Agency action at time employee returns*—(a) *Time limit for restoration.* Restoration shall be made as soon as possible, and in no event later than 30 days after the employee's application is received in the agency.

(b) *Order of restoration of permanent employees.* Permanent employees of the agency shall be restored to employment in the following order:

(1) *Positions to which indefinitely promoted.* The employee shall be restored to the position indicated below or to one of like seniority, status, and pay, unless such position is occupied by an employee with greater retention preference.

(i) To the position to which promoted while in the military service;

(ii) To the position in which he was serving under indefinite promotion at the time he entered military service;

(iii) To the next best available position for which he is qualified.

(2) *Permanent positions.* If the employee is not entitled to restoration to a position to which indefinitely promoted, he shall be restored to the position indicated below or, if it does not exist, to a position of like seniority, status, and pay.

(i) To the position to which he was promoted on a permanent basis while in the military service;

(ii) To his last permanent position;

(iii) To the next best available position for which he is qualified.

(c) *Employees with reemployment rights.* Any employee who cannot be restored to his last permanent grade or level in the agency he left to enter military service may exercise his reemployment rights in the agency in which he has such rights in accordance with Part 8 of this chapter.

(d) *Physical qualifications.* A returning employee who is not qualified to perform the duties of the position to which he is entitled to be restored, because of disability sustained during service in the armed forces, but who is qualified to perform the duties of any other position in the agency, shall be restored to such other position in such a way as to provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

(e) *Conflicting rights.* In case two or more employees are entitled to be restored to the same position, restoration action shall be taken as follows:

(1) *Restoration to permanent position.* If the employees left a permanent position, the employee who left such position first shall have the prior right to be restored thereto. The second employee shall be assigned to a position of like seniority, status, and pay for which he is qualified, if there is such a position not occupied by an employee with equal or greater retention preference. If such an assignment is impossible, the second employee shall be offered restoration to the next best available position for which he is qualified.

(2) *Restoration to positions to which indefinitely promoted.* If restoration is to be made to a position to which indefinitely promoted, the employee who would have greater retention preference shall have the prior right to be restored thereto. The second employee shall be assigned to a position of like seniority, status, and pay for which he is qualified. If such assignment is impossible, the second employee shall be offered restoration to the next best available position. In neither case may an employee be restored to a position occupied by an employee with greater retention preference.

(f) *Restoration to position to which indefinitely promoted.* Restoration to a position based on the employee's indefinite promotion shall not cause such indefinite promotion to extend beyond the date it would otherwise be terminated.

§ 35.6 *Appeals to the Commission*—(a) *Executive branch and District of Columbia employees.* An employee may appeal to the Commission to establish his rights to restoration as follows:

(1) *Former agency not in existence.* If the agency in which he was employed is no longer in existence and its functions have not been transferred to another agency, appeal must be filed not later than 10 days after expiration of the 90-day period following discharge or hospitalization continuing after discharge for not more than one year.

(2) *Not feasible to restore.* Appeal from the decision of an agency that it is not feasible for him to be restored to employment must be filed not later than 10 days after receipt of notice from the agency.

(3) *Failure of restoration.* If the agency fails to restore him within 30 days after receipt of his application, appeal must be filed not later than 10 days after expiration of this 30-day period.

(4) *Refusal of restoration.* If the agency refuses to restore him to employment, appeal must be filed not later than 10 days after receipt of notice from the agency.

(5) *Improper restoration.* If the agency has improperly restored him to employment, appeal must be filed not later than 10 days after such improper restoration.

(6) *Delayed appeals.* An appeal filed after expiration of the 10-day filing period may be accepted in the discretion of the Commission where the employee shows good cause for not filing within that period.

(b) *Legislative employees.* An employee of the legislative branch of the Government who is eligible to acquire a

competitive status under section 2 (b) of the act of November 26, 1940 may file an appeal with the Commission when it is not possible for him to be restored in the legislative branch. The appeal must be filed not later than 10 days after expiration of the 90-day period following discharge or hospitalization continuing after discharge for not more than one year.

§ 35.7 *Commission action on appeal—(a) Restoration of permanent employees—(1) Agency not in existence or not feasible to restore.* When the Commission finds that the employee cannot be restored to his permanent position because the agency is no longer in existence and its functions have not been transferred, or that it is not feasible for the employee to be restored, it shall determine whether there is a position in any other agency in the executive branch of the Government or the government of the District of Columbia for which the employee is qualified and which is vacant or held by a temporary employee. When it is so determined, the employee shall be restored to such position as directed by the Commission.

(2) *Legislative employees.* When the Commission finds that the employee is eligible to acquire a competitive status in accordance with section 2 (b) of the act of November 26, 1940, it shall determine whether there is a position in any agency for which the employee is qualified and which is vacant or held by a temporary employee. When it is so determined, he shall be restored to such position as directed by the Commission.

(3) *Failure or refusal to restore.* When the Commission finds that a permanent employee has not been restored to a permanent position in accordance with the regulations in this subpart, or that an agency has failed or refused to restore an employee in accordance with subparagraph (1) or (2) of this paragraph, it shall issue an order specifically requiring such agency of the Government or the government of the District of Columbia to restore the employee and to compensate him for any loss of salary suffered by reason of refusal or failure to comply with the regulations in this subpart. Such compensation shall be less any amount received by him through other employment, unemployment compensation, or readjustment allowances. An affidavit of the employee, subject to verification of any amounts claimed to have been received, shall be required for the employing agency to determine the compensation due.

(b) *Restoration to positions to which indefinitely promoted.* When the Commission finds that a permanent employee is entitled to be restored to a position of a higher grade than his last permanent position, it shall notify and require the agency to restore the employee in accordance with the regulations in this subpart.

SUBPART B—RESTORATION OF NONPERMANENT EMPLOYEES

§ 35.51 *Coverage.* The regulations in this subpart apply to any person who, subsequent to June 24, 1948, leaves a position in the competitive service while

serving under indefinite appointment (not limited to one year or less) and enters on active duty for service in the armed forces of the United States, including any such person who has been given reemployment rights under Part 8 of this chapter.

§ 35.52 *Agency action at time employee leaves—(a) Military furlough or separation—(1) Recording of action.* Each employee entering the armed forces for active service shall be furloughed or separated for military service at the option of the agency. At the time he returns to duty the employee shall be considered as having been on military furlough and shall be entitled to all the benefits provided by the regulations in this subpart.

(2) *Job identity requirements.* The agency concerned shall positively identify the position the employee is leaving.

(b) *Leave of absence.* Agencies shall grant a leave of absence to an employee for the purpose of entering, determining physical fitness to enter, or performing training duty in the armed forces of the United States. Upon application within 30 days after release from training duty or after rejection, the employee shall be returned to his position without reduction in seniority, status, or pay, except as such reduction may be made for all employees similarly situated.

§ 35.53 *Agency action while employee is absent—(a) Regradings.* If the employee's position is regraded upward during his absence, personnel action shall be taken placing him in the regraded position unless it is clearly shown that he is not qualified for the position. If the position is regraded downward during his absence, no personnel action shall be taken until he returns and is restored. At that time the downgrading must be processed under section 14 of the Veterans' Preference Act of 1944, as amended.

(b) *Promotions.* An employee absent on military duty may be given the same consideration for promotion as employees who are serving in the agency at that time. He may be considered for any and all promotions for which he would normally have been considered had he not been absent on military duty.

(c) *Transfer of functions.* If any functions of any agency are transferred to another agency or to a continuing or successor agency, the employee absent on military duty may be reassigned to another position of comparable grade in the agency. If this is not done, the head of the receiving agency shall be responsible for taking official action transferring the employee to said agency.

(d) *Notice of right to appeal.* When an agency refuses to restore, or determines that it is not feasible to restore an employee as provided in this subpart, the agency shall notify the employee in writing to this effect and of his right to appeal to the Commission. A copy of the notice shall be forwarded to the Commission.

§ 35.54 *Requirements for restoration.* Any employee covered by the regulations in this subpart, who is inducted, enlists, or is ordered or called into the armed

forces of the United States for active service, subsequent to June 24, 1948, is entitled to restoration if he serves not more than four years (exclusive of any additional service imposed according to law), receives a certificate of Satisfactory Completion of Training and Service; makes application for restoration within 90 days after discharge or from hospitalization continuing after discharge for not more than 1 year; and is qualified to perform the duties of the position.

§ 35.55 *Agency action at time of employee returns—(a) Time limit for restoration.* Restoration shall be made as soon as possible, and in no event later than 30 days after the employee's application is received in the agency.

(b) *Order of restoration of nonpermanent employees.* The employee shall be restored to the position indicated below or to one of like seniority, status, and pay, unless such position is occupied by an employee with greater retention preference.

(1) To the position to which promoted while in the military service;

(2) To the position in which he was serving at the time he entered military service;

(3) To the next best available position for which he is qualified.

(c) *Employees with reemployment rights.* If an employee is unable to be restored at an appropriate grade or level in the agency he left to enter military service, he may exercise his reemployment rights in the agency in which he has such rights in accordance with Part 8 of this chapter.

(d) *Physical qualifications.* A returning employee who is not qualified to perform the duties of the position to which he is entitled to be restored, because of disability sustained during service in the armed forces, but who is qualified to perform the duties of any other position in the agency, shall be restored to such other position in such a way as to provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

(e) *Conflicting rights.* In case two or more employees are entitled to be restored to the same position, the employee who would have greater retention preference shall have the prior right to be restored thereto. The second employee shall be assigned to a position of like seniority, status, and pay for which he is qualified. If such assignment is impossible, the second employee shall be offered restoration to the next best available position. In neither case may an employee be restored to a position occupied by an employee with greater retention preference.

(f) *Geographical area.* The right of restoration of an employee shall be restricted to the geographical area in which the installation in which he was formerly employed is located.

(g) *Effect of restoration.* Restoration of an employee shall not cause his employment to extend beyond the date it would otherwise be terminated.

§ 35.56 *Appeals to the Commission.* An employee may appeal to the Com-

mission to establish his rights to restoration as follows:

(a) *Not feasible to restore.* Appeal from the decision of an agency that it is not feasible for him to be restored to employment must be filed not later than 10 days after receipt of notice from the agency.

(b) *Failure of restoration.* If the agency fails to restore him within 30 days after receipt of his application, appeal must be filed not later than 10 days after expiration of this 30-day period.

(c) *Refusal of restoration.* If the agency refuses to restore him to employment, appeal must be filed not later than 10 days after receipt of notice from the agency.

(d) *Improper restoration.* If the agency has improperly restored him to employment, appeal must be filed not later than 10 days after such improper restoration.

(e) *Delayed appeals.* An appeal filed after expiration of the 10-day filing period may be accepted in the discretion of the Commission where the employee shows good cause for not filing within that period.

§ 35.57 *Commission action on appeal*—(a) *Restoration of employees.* When the Commission finds that an employee has not been restored in accordance with the regulations in this subpart, it shall notify and require the agency concerned to restore the employee.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WIL C. HULL,
Executive Assistant.

[F. R. Doc. 53-6611; Filed, July 27, 1953; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter E—Sugar Requirements and Quotas [Sugar Reg. 811, Rev. 2]

PART 811—SUGAR REQUIREMENTS; CONTINENTAL UNITED STATES REQUIREMENTS FOR 1953

Basis and purpose. The revised determination set forth below is made pursuant to section 201 of the Sugar Act of 1948. The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1953 is necessary. The purpose of this revision is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act.

Immediate availability of a part of the additional supply of sugar provided by this determination of sugar requirements is necessary to insure orderly marketing and to maintain a continuous and stable supply of sugar at prices that are not excessive to consumers. Therefore, in order effectively to carry out the

purposes of the Sugar Act, it is necessary that the revision of the determination be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) is impracticable and contrary to the public interest, and the revision of the determination made herein shall be effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended, and the Administrative Procedure Act, Sugar Regulation 811, the determination of the amount of sugar needed to meet the requirements of consumers in the continental United States for 1953 (17 F. R. 11155; 18 F. R. 2125) is hereby revised to read as follows:

§ 811.5 *Sugar requirements, 1953.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1953 is hereby determined to be 8,000,000 short tons, raw value.

Statement of bases and considerations. On December 5, 1952, the supply of sugar required from quota sources for 1953 was determined to be 7,800,000 short tons, raw value. This quantity was 400,000 tons less than would have been established had not a price stimulus been needed. On April 10 the requirements were increased to 7,900,000 reducing the allowance to 300,000 tons.

At the time the original determination of sugar requirements for 1953 was announced the price of raw sugar, duty paid at New York, was 6.15 cents per pound. The price rose well above this level early in 1953 and between March 11 and July 19 moved only between 6.35 and 6.45 cents per pound.

From March 13 to July 19, 1953, the quoted wholesale price of refined sugar at New York was 8.75 cents per pound and the average for the year through July 19 was about 8.67 cents as compared with the average for the year 1952 of 8.62 cents. On July 20, the wholesale price of refined sugar at New York was increased to 8.85 cents per pound.

Distribution of sugar in recent weeks has been at a relatively stable rate but the total for the year to July 11 was somewhat less than for the comparable period in 1952 toward the end of which distribution occurred at an unusually high rate.

This price and distribution situation makes it apparent that the existing demand for sugar at prices fair to both producers and consumers requires an increase in the determination of sugar requirements. Accordingly, sugar requirements for 1953 are established at 8,000,000 short tons, raw value, thereby reducing the price allowance from 300,000 tons to 200,000 tons.

(Sec. 201, 403, 61 Stat. 922, 932; 7 U. S. C., Sup. 1111, 1163)

Done at Washington, D. C., this 22d day of July 1953. Witness my hand and

the seal of the Department of Agriculture.

[SEAL] E. T. BENSON,
Secretary of Agriculture.
[F. R. Doc. 53-6593; Filed, July 27, 1953; 8:43 a. m.]

[Sugar Reg. 813, Amdt. 2]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

DETERMINATION AND PRORATION OF 1953 QUOTAS

Basis and purpose. The amendments herein are issued pursuant to section 202 of the Sugar Act of 1948, as amended, and are made for the purpose of giving effect to the revision of the determination of sugar requirements made by the Secretary of Agriculture.

After providing for quotas in specific amounts for domestic sugar producing areas and the Republic of the Philippines, section 202 of the act provides that the difference between the sum of such quotas and total requirements shall be prorated to foreign countries other than the Republic of the Philippines on the basis of stated percentages. Thus, the statute states specifically how quotas are to be revised when there is a change in sugar requirements. Furthermore, in order to make available the additional sugar authorized by this amendment to meet current demand at stable prices and thereby protect the interests of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is impracticable, unnecessary and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318, 7 U. S. C. Sup. 1100) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001), Sugar Regulation 813 (17 F. R. 11153, 18 F. R. 2127), establishing sugar quotas for 1953 is hereby amended as hereinafter set forth.

1. Section 813.42 is changed to read:

§ 813.42 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1953 the following quotas:

	<i>Quotas in terms of short tons, raw value</i>
Area:	
Republic of the Philippines	974,000
Cuba	2,473,720
Other foreign countries	163,280

2. Paragraph (a) of § 813.44 is changed to read:

§ 813.44 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines*—(a) *Basic prorations.* The quota for foreign coun-

tries other than Cuba and the Republic of the Philippines is hereby prorated, pursuant to subsection (c) of section 202 of the act, among such countries as follows:

Country	Proration in short tons, raw value
Dominican Republic.....	25,647
El Salvador.....	3,843
Haiti.....	2,482
Mexico.....	10,634
Nicaragua.....	7,269
Peru.....	48,241
Subtotal.....	98,116
Not prorated.....	5,164
Total.....	103,280

The portion of the quota established in § 813.42 for foreign countries other than Cuba and the Republic of the Philippines which is not prorated may be filled by countries not receiving specific proration or quotas, but no such country shall enter a quantity in excess of one per centum of such quota (1,033 short tons, raw value)

3. Paragraph (b) (1) of § 813.45 is changed to read:

§ 813.45 *Direct-consumption portion of quotas or proration.* * * *

(b) *Other areas.* (1) Pursuant to subsections (d) (e) and (h) of section 207 of the act, the quotas established in § 813.42 for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area.

Area:	Direct-consumption sugar, short tons, raw value
Republic of the Philippines.....	59,920
Cuba.....	375,000
Other foreign countries.....	35,115

Statement of bases and considerations. The revised quotas for Cuba and "Other Foreign Countries" have been established by prorating the amount by which the revised requirements exceed the quotas for domestic areas and the Republic of the Philippines on the basis of 96 per centum to Cuba and 4 per centum to "Other Foreign Countries" and the revised quota for "Other Foreign Countries" has been prorated as provided in section 202 (c) of the act, as amended.

After giving effect to the changes set forth in this amendment to Sugar Regulation 813, the quotas for all areas are as follows:

[Short tons, raw value]

Production areas	Basic quotas
Domestic beet sugar.....	1,800,000
Mainland cane sugar.....	500,000
Hawaii.....	1,052,000
Puerto Rico.....	1,080,000
Virgin Islands.....	12,000
Philippines.....	974,000
Cuba.....	2,478,720
Other foreign countries:	
Dominican Republic.....	25,647
El Salvador.....	3,843
Haiti.....	2,482
Mexico.....	10,634
Nicaragua.....	7,269
Peru.....	48,241
Not prorated.....	5,164
Total.....	8,000,000

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153) ✓

Done at Washington, D. C., this 22d day of July 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

E. T. BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-6594; Filed, July 27, 1953; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6073]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JAN-WARREN CORP. ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act as amended, payment or acceptance of commission, brokerage or other compensation under 2 (c) § 3.800 Buyers' agents.* I. In connection with the purchase of food products in commerce, and on the part of respondent corporations, Jan-Warren Corporation and Minute Maid Representatives of New York State, Inc., and their officers, and on the part of respondent individuals, Maurice S. and Mrs. Harriet (Maurice S.) Levinson, individually and as officers of said corporations, and their respective representatives, etc., receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any purchase of food products by or for the accounts of Jan-Warren Corporation or Minute Maid Representatives of New York State, Inc., or where the respondents Maurice S. Levinson or Mrs. Harriet (Maurice S.) Levinson, or both, are the agents, representatives or other intermediaries acting for, or in behalf of, or subject to the direct or indirect control of any buyer; and, II, in connection with such purchase, and on the part of respondent Oneida Frozen Food Corporation, and its officers, and on the part of respondent individuals, Earl and Warren E. Copeland, individually and as officers of said corporation, and their respective representatives, etc., receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any purchase of food products by or for the account of Oneida Frozen Food Corporation, or where the respondents Earl Copeland or Warren E. Copeland, or both, are the agents, representatives, or other intermediaries acting for, or in behalf of, or subject to the direct or indirect control of any buyer; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Jan-Warren Corporation et al., Utica, N. Y., Docket 6073, June 25, 1953]

In the Matter of Jan-Warren Corporation, a Corporation, Oneida Frozen Food Corporation, a Corporation, Minute Maid Representatives of New York State, Inc., a Corporation, Maurice S. Levinson, Individually and as President of Jan-Warren Corporation, and Minute Maid Representatives of New York State, Inc., and as Treasurer of Oneida Frozen Food Corporation, and Mrs. Harriet (Maurice S.) Levinson, Individually and as Vice President of Jan-Warren Corporation, and Secretary of Oneida Frozen Food Corporation, Earl Copeland, Individually and as President of Oneida Frozen Food Corporation, and as Treasurer of Jan-Warren Corporation and Minute Maid Representatives of New York State, Inc., Warren E. Copeland, Individually and as Vice President of Oneida Frozen Food Corporation and Minute Maid Representatives of New York State, Inc., and as Secretary of Jan-Warren Corporation and Minute Maid Representatives of New York State, Inc.

This proceeding was instituted by complaint which charged respondents with receiving or accepting commissions, brokerage fees, or other compensation, allowances or discounts in lieu thereof, on purchases of food products in commerce, made directly or indirectly for their own accounts, in violation of subsection (c) of section 2 of the Clayton Act as amended by the Robinson-Patman Act.

It was disposed of, as announced by the Commission's "Notice" dated June 30, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on June 25, 1953, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts¹ and conclusion,¹ reads as follows:

It is ordered, That the respondents, Jan-Warren Corporation and Minute Maid Representatives of New York State, Inc., corporations, and their officers, and the individual respondents Maurice S. Levinson and Mrs. Harriet (Maurice S.) Levinson, individually and as officers of said corporations, and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the purchase of food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any purchase of food products by or for the accounts of Jan-Warren Corporation or Minute Maid Representatives of New

¹ Filed as part of the original document.

York State, Inc., or where the respondents Maurice S. Levinson or Mrs. Harriet (Maurice S.) Levinson, or both, are the agents, representatives or other intermediaries acting for, or in behalf of, or subject to the direct or indirect control of any buyer.

It is further ordered, That the respondent Oneida Frozen Food Corporation, a corporation, its officers, and the individual respondents Earl Copeland and Warren E. Copeland, individually and as officers of said corporation, and their respective representatives, agents, and employees, directly or through any corporate or other device, in connection with the purchase of food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any purchase of food products by or for the account of Oneida Frozen Food Corporation, or where the respondents Earl Copeland or Warren E. Copeland, or both, are the agents, representatives, or other intermediaries acting for, or in behalf of, or subject to the direct or indirect control of any buyer.

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

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and entered of record on this the 25th day of June 1953.

Issued: June 30, 1953.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 53-6580; Filed, July 27, 1953; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

**Chapter I—Bureau of Customs,
Department of the Treasury**

[T. D. 53300]

**PART 8—LIABILITY FOR DUTIES, ENTRY OF
IMPORTED MERCHANDISE**

FILING OF ENTRIES

Under the present schedules of rates of duty applicable to imported merchandise, there are certain articles, principally berries, fruits, and vegetables, with respect to which the rates of duty change each year on fixed dates. In some years one or more dates of change from a lower to a higher rate of duty may fall on a Saturday, Sunday, or legal holiday. Under present regulations, entries, or withdrawals from warehouse, for consumption may be accepted only when the customhouse is open and fully staffed for the transaction of all customs business, with the result that the period

during which the reduced rate of duty applies is shortened in some cases. In order to afford importers the same period of time each year in which to qualify for reduced rates of duty, § 8.4, Customs Regulations of 1943, as amended (19 CFR 8.4), is further amended as stated below.

The second sentence of § 8.4 (a) is amended by inserting "in paragraph (d) of this section or" after "Except as provided for". Section 8.4 (c) is amended by deleting the parenthetical matter at the end thereof. A new paragraph (d) is added to § 8.4, reading as follows:

(d) With respect to merchandise for which the rate of duty changes each year on fixed dates, when the last day upon which such merchandise may be entered at a lower rate of duty falls on a Saturday, Sunday, or legal holiday, an entry or withdrawal for consumption may be accepted on such Saturday, Sunday, or legal holiday, provided the entry is tendered at a time when overtime services of the customs officers concerned are reimbursable and the importer has applied for overtime services in accordance with the provisions of § 24.16 of this chapter. When the last day upon which the merchandise may be entered at a lower rate of duty falls on a day when customs offices are open for the transaction of general customs business an entry or withdrawal for consumption on such day after 5 p. m. may be accepted, provided the importer has applied for overtime services in accord-

ance with the provisions of § 24.16 of this chapter.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: July 21, 1953.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-6606; Filed, July 27, 1953; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

**Chapter I—Internal Revenue Service,
Department of the Treasury**

Subchapter C—Miscellaneous Excise Taxes

**PART 178—PRODUCTION, FORTIFICATION,
TAX-PAYMENT, ETC., OF WINES**

PART 182—INDUSTRIAL ALCOHOL

PART 184—PRODUCTION OF BRANDY

PART 187—DENATURATION OF RUM

**PART 189—BOTTLING OF TAX-PAID
DISTILLED SPIRITS**

**PART 190—RECTIFICATION OF SPIRITS AND
WINES**

**DISCONTINUANCE OF COMMISSIONER'S COPY
OF MONTHLY REPORTS CONCERNING
LIQUORS**

1. The purpose of these amendments is to discontinue the Commissioner's copy of the following monthly reports concerning liquors:

Premises	CFR Part	IR Reg. No.	Form No.	Title
Bonded wineries and storerooms.	178	7	261	Winemaker's Monthly Report of Materials for Fortification and Amelioration (or Sweetening) of Wines.
			276	Fortification of Wine.
			701	Winemaker's Production Record.
			702	Winemaker's Report of Production, Receipt, Treatment, and Disposition of Still Wines.
			702-A	Winemaker's Report of Production, Receipt, and Disposition of Champagne and Other Sparkling Wines, and Artificially Carbonated Wines.
			702-B	Winemaker's Vermouth Report (Modified for aperitif wines).
Industrial alcohol plants.....	182	3	702-C	Winemaker's Inventory of Still Wines.
			1442	Proprietor's Report of Operations at Industrial Alcohol plants.
			1448-A	Report of Uncoopered Alcohol at Bonded Warehouse.
			1443-B	Report of Alcohol in Packages at Bonded Warehouse.
			129	Report of Denaturants.
			1468-A	Ethyl Alcohol Received and Disposed of at Denaturing Plant.
			1468-B	Denaturants Used at Denaturing Plant.
			1468-C	Summary of Denaturants Used at Denaturing Plant.
			1468-D	Denatured Alcohol Produced and Disposed of at Denaturing Plant.
			1468-E	Summary of Denatured Alcohol.
			1468-F	Recovered Alcohol Received and Disposed of at Denaturing Plant.
			1478	Bonded Dealer's Report of Specially Denatured Alcohol Received and Disposed of.
			1482	User's Report of Denatured Alcohol.
			1493	Monthly Statement of Brandy Distillery Producing Wine Containing Less Than One-Half of One Percent of Alcohol by Volume.
Distillery denaturing bonded warehouses.	187	16	129	Report of Denaturants.
			575	Report for Denaturing Bonded Warehouse.
			52-D	Monthly Record and Report of Tax-Paid Bottling House Operations.
			702-A	Winemaker's Report of Production, Receipt, and Disposition of Champagne and Other Sparkling Wines, and Artificially Carbonated Wines.
Tax-paid bottling houses.....	189	11		
Rectifying plants.....	190	15		

The amendments will also discontinue the preparation and submission of the Commissioner's copy of the power of attorney (Form 1534) where the proprietor's reports are signed by an agent.

2. Sections 178.367, 178.379, 178.381, 178.382, 178.384, 178.387, 178.390, 178.393, 178.401, 178.479, 178.502 and 178.507 of

Regulations 7 (26 CFR Part 178; 10 F. R. 12307), "Production, Fortification, Tax-Payment, Etc., of Wines," as amended, are amended as follows:

LOSSES

* * * * *
§ 178.367 Inventories. Each proprietor of a bonded winery or bonded store-

room shall take a physical inventory of all wines on hand on June 30 and December 31 of each year, and enter on his winery or storeroom accounts, Forms 702, 702-A, and 702-B, for those months any losses disclosed by such inventories. A detailed report of the inventory shall be made on Form 702-C, in duplicate, giving all the information called for by the form. One copy of Form 702-C shall be attached to each copy of Form 702, 702-A, or 702-B, to which it pertains, for the month in which the inventory was taken. Additional inventories may be taken at such other times as the proprietor may desire and any losses disclosed thereby shall be entered on the winery or storeroom accounts. Other losses ascertain to have been actually sustained may be entered on Forms 702, 702-A, and 702-B, but estimated losses may not be entered on the forms. When an inventory is taken, such fact should be noted on Forms 702, 702-A, and 702-B.

(53 Stat. 353, 354, 373, 375, 477; 26 U. S. C. 3039, 3040, 3171, 3176, 3901).

MONTHLY RECORDS

§ 178.379 *Form 702.* The proprietor of every bonded winery or bonded storeroom shall keep a monthly record on Form 702, in duplicate, of all still wine produced, received, and disposed of at his winery or storeroom.

(53 Stat. 373, 375, 477; 26 U. S. C. 3171, 3176, 3901)

§ 178.381 *Form 702-A.* The proprietor of every bonded winery manufacturing champagne, sparkling wine, or artificially carbonated wine, and the proprietor of every bonded winery or storeroom receiving, storing, or disposing of champagne, sparkling wine, or artificially carbonated wine, shall also keep a monthly record on Form 702-A, in duplicate, of all champagne, sparkling wine, and artificially carbonated wine produced, received, and disposed of at his winery or storeroom.

(53 Stat. 373, 375, 477; 26 U. S. C. 3171, 3176, 3901)

§ 178.382 *Form 702-B.* The proprietor of every bonded winery manufacturing vermouth, or other aperitif wine, and the proprietor of every bonded winery or storeroom receiving, storing, or disposing of vermouth, or other aperitif wine, shall also keep a monthly record on Form 702-B, in duplicate, of all vermouth, or other aperitif wine, produced, received, or disposed of at his winery or storeroom.

(53 Stat. 373, 375, 477; 26 U. S. C. 3171, 3176, 3901)

§ 178.384 *Inventory record, Form 702-C.* The proprietor of every bonded winery or storeroom shall make a detailed record on Form 702-C, in duplicate, of each inventory taken by him of all wines on storage at his winery or storeroom on June 30 and December 31 of each year, and at any other time an inventory is taken. One copy of Form 702-C shall be attached to each copy of Form 702, 702-A, or 702-B, to which it pertains, for the same month.

(53 Stat. 354, 373, 375, 477; 26 U. S. C. 3040, 3171, 3176, 3901)

§ 178.387 *Material record, Form 701.* The proprietor of every bonded winery shall keep a monthly record on Form 701, in duplicate, of all materials received and used for the manufacture of wine. The total of each kind of such materials received each day must be entered on the form on the day on which the materials are received. Form 701 should not be kept when there are no materials on hand or wine in the process of manufacture.

(53 Stat. 373, 375, 477; 26 U. S. C. 3171, 3176, 3901)

§ 178.390 *Complete records required.* All the information called for in Forms 701, 702, 702-A, 702-B, and 702-C, as indicated by the headings of the columns and lines of the forms and the instructions printed thereon or issued in respect thereto, and as required by this part, must be reported. All operations and transactions must be entered on the forms before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, as herein authorized, appropriate memoranda shall be maintained for the purpose of making the entries correctly. The entries must be made by the proprietor, or by his agent from personal knowledge or from data furnished by the proprietor. The entries must be made from day to day during the month (a) on both copies of each form, or (b) on one copy of each form, from which one additional copy must be prepared at the close of the month, or (c) on a rough copy of each form, from which two copies must be prepared at the close of the month. When a rough copy is kept, the entries shall be made thereon with indelible pencil, ink or typewriter, and the rough copy shall be filed with the copy (prepared therefrom) retained at the winery or storeroom. When the entries are made from memoranda furnished by the proprietor, such memoranda shall be filed at the winery or storeroom. Care must be used to insure the keeping of accurate and complete records. Each report should be carefully checked before being forwarded to the Assistant Regional Commissioner.¹ Reports prepared by persons who have no knowledge of the winery or storeroom operations and who are not furnished with the necessary data by the proprietor will not be accepted. Where forms are rendered in blank they should bear the notation "No transactions." Upon discontinuance of a bonded winery or bonded storeroom, the last reports should be marked "Final."

(53 Stat. 373, 375, 477; 26 U. S. C. 3171, 3176, 3901)

§ 178.393 *Disposition of forms.* One copy each of Forms 701, 702, 702-A, 702-B, and 702-C will be retained at the winery or storeroom by the proprietor as a permanent record, subject to inspection

¹ Denotes the Assistant Regional Commissioner of Internal Revenue, Alcohol and Tobacco Tax.

by Government officers at any reasonable hour. On or before the 10th day of the month succeeding that for which rendered, the proprietor will forward the original of each form to the Assistant Regional Commissioner for audit and retention.

(53 Stat. 373, 375, 477; 26 U. S. C. 3171, 3176, 3901)

ASSISTANT REGIONAL COMMISSIONER'S ACCOUNTS

§ 178.401 *Accounts in duplicate.* Assistant Regional Commissioner's monthly accounts will be prepared in duplicate and by States within the region. One copy of each account will be retained by the Assistant Regional Commissioner and one copy of each forwarded on or before the last day of the month, succeeding that for which rendered, to the Commissioner.

(53 Stat. 375, 477; 26 U. S. C. 3176, 3901)

FORTIFICATION OF WINE

§ 178.479 *Monthly report, Form 276.* Each day wines are fortified the officer will enter on Form 276 the information called for on that form, as required by this part and as indicated by the headings of the various columns and lines and the instructions printed on the form. Losses of brandy will be entered on Form 276 in accordance with § 178.477. At the close of the month, or upon completion of fortification for the month, the officer will complete Form 276, retain one copy at the winery as a permanent record, and forward the original to the Assistant Regional Commissioner for audit and retention.

(53 Stat. 351, 375, 477; 26 U. S. C. 3034, 3176, 3901)

WINEMAKER'S BRANDY AND SWEETENING AGENTS REPORT

§ 178.502 *Filing of report.* One copy of Form 261 shall be retained at the winery by the winemaker as a permanent record, subject to inspection by Government officers at any reasonable hour. On or before the 10th day of the succeeding month, the winemaker will forward the original of the form to the Assistant Regional Commissioner for audit and retention.

(53 Stat. 348 as amended, 350 as amended, 351, 373, 375, 477; 26 U. S. C. 3031, 3032, 3033, 3171, 3176, 3901)

ASSISTANT REGIONAL COMMISSIONER'S ACCOUNT

§ 178.507 *Filing of accounts.* The accounts will be prepared, in duplicate, by States within the region. One copy will be retained by the Assistant Regional Commissioner, and the original will be forwarded to the Commissioner not later than the last day of the month succeeding that for which the account is rendered.

(53 Stat. 375, 477; 26 U. S. C. 3176, 3901)

3. Regulations 3 (26 CFR Part 182; 7 F. R. 1864), "Industrial Alcohol," as amended, are amended as follows:

a. Sections 182.355, 182.456, 182.459, 182.642, 182.645, 182.646, 182.647, 182.668, 182.781, 182.787, 182.819, 182.822, 182.867,

182.865, 182.873, 182.874, and 182.876 are amended; and

b. Sections 182.649, 182.739, and 182.823 are revoked.

OPERATION OF INDUSTRIAL ALCOHOL PLANTS

* * * * *
DISTILLATION
* * * * *

§ 182.355 *Redistillation of alcohol—*
(a) *Authorization and procedure.* The Assistant Regional Commissioner may, in his discretion, provided he deems it proper so to do and subject to such conditions and restrictions as he may impose, authorize the transfer of alcohol from an industrial alcohol plant or a bonded warehouse to an industrial alcohol plant for redistillation. In making the request for such special authorization the proprietor of the industrial alcohol plant desiring to redistill alcohol will submit to the Assistant Regional Commissioner of his region a statement in duplicate showing the source and quantity of the alcohol and the necessity for redistillation. The Assistant Regional Commissioner will note his approval or disapproval on all copies of the application. He will return the original to the proprietor and retain one copy for file. Where the alcohol for redistillation is to be received from an industrial alcohol bonded warehouse on the industrial alcohol plant premises, the procedure prescribed by the regulations in this part governing the transfer of alcohol from an industrial alcohol plant to a bonded warehouse will be followed insofar as applicable. See particularly § 182.408b. Where the alcohol for redistillation is to be received from an industrial alcohol bonded warehouse not on the same premises or from another industrial alcohol plant, the procedure prescribed by the regulations in this part will be followed insofar as applicable. See particularly §§ 182.408c and 182.408d. The transfer application and permit Form 1436 will be appropriately modified.

(53 Stat. 357, 358, 364, 375; 26 U. S. C. 3103, 3105, 3124, 3176)

PROPRIETOR'S RECORDS AND REPORTS

* * * * *

§ 182.456 *Form 1442.* The proprietor of every industrial alcohol plant shall keep a daily record of industrial alcohol plant operations on Form 1442, "Proprietor's Report of Operations at Industrial Alcohol Plant." Entries shall be made as indicated by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by the regulations in this part. Entries shall be made on the form before the close of the business day next succeeding the day on which the transactions occur, except that summary entries will be made at the close of the month. Where the making of entries is deferred to the next business day, as authorized herein, appropriate memoranda shall be maintained for the purpose of making the entries correctly.

No. 146—2

Where an industrial alcohol plant, in connection with the production of ethyl alcohol by any method, produces other chemicals as byproducts, or where an industrial alcohol plant, in connection with the production of substances other than ethyl alcohol, such as butyl alcohol, produces ethyl alcohol as a byproduct, a separate record on Form 1442 will be maintained for each process. The quantity of materials used in the production of ethyl alcohol will be determined separately from the quantity used in the production of other substances. Such determination may be made at the close of the month for reporting on Form 1442. Form 1442 must be verified under oath (or affirmation) by the proprietor or his authorized agent at the plant: *Provided*, That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that such report is made under penalties of perjury, such report shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. The proprietor will deliver Form 1442, in duplicate, to the storekeeper-gauger on or before the 5th day of the month succeeding that for which the report is rendered. The storekeeper-gauger will examine the report, execute the certificate of the government officer on both copies of the form, return one copy to the proprietor, and forward the original to the Assistant Regional Commissioner for audit and retention.

(53 Stat. 357, 358, 364, 373, 375, 63 Stat. 667; 26 U. S. C. 3103, 3105, 3124, 3171, 3176, 3853)

§ 182.459 *Signing of reports.* Forms 1442 and 52-E must be signed in the same manner as the application, Form 1431, except that in the case of a corporation, the affixing of the corporate seal will not be required. Where the reports are signed by an agent, proper power of attorney authorizing the agent to execute the reports for the proprietor must be filed on Form 1534, in duplicate, with the Assistant Regional Commissioner who will, after entering the date of receipt and his signature on both copies, retain the original and return the copy to the principal.

(53 Stat. 358, 364, 375, 63 Stat. 667; 26 U. S. C. 3105, 3124, 3176, 3859)

OPERATION OF INDUSTRIAL ALCOHOL BONDED WAREHOUSES

* * * * *

RECORDS AND REPORTS OF PROPRIETOR

§ 182.642 *General.* The proprietor of every industrial alcohol bonded warehouse shall keep monthly records and render daily reports as hereinafter provided. Entries shall be made as indicated by the headings of the various columns and lines of the form and the instructions printed thereon or issued in respect thereto and as required by the regulations in this part. The provisions of § 182.455 concerning the time of making entries; of § 182.455a concerning the failure to keep records or allow inspection and of § 182.461 concerning the filing of reports by proprietors of industrial alcohol plants are hereby made applicable to records and reports rendered by

proprietors of industrial alcohol bonded warehouses. The reports must be signed in the same manner as the application, Form 1431, except that in the case of a corporation the affixing of the corporate seal will not be required. Where the reports are signed by an agent, proper power of attorney authorizing the agent to execute the reports for the proprietor must be filed on Form 1534, in duplicate, with the Assistant Regional Commissioner who will, after entering the date of receipt and his signature on both copies, retain the original and return the copy to the principal.

(53 Stat. 357, 358, 364, 371, 375; 26 U. S. C. 3101, 3105, 3124, 3171, 3176)

§ 182.645 *Form 1443-A.* The proprietor of every bonded warehouse shall keep a monthly record, Form 1443-A, "Report of Uncoopered Alcohol," and render monthly reports thereon, in duplicate, of all uncoopered alcohol received and disposed of. Before the close of the business day next succeeding the day on which the transactions occur entries shall be made in the respective columns of the quantity of alcohol deposited in the warehouse, or received in bond at the bonded warehouse, or packages filled, and the quantities withdrawn for shipment uncoopered. Where the making of the entries is deferred to the next business day, as authorized herein, appropriate memoranda shall be maintained for the purpose of making the entries correctly.

(53 Stat. 357, 358, 359, 364, 373, 375; 26 U. S. C. 3101, 3105, 3167, 3124, 3171, 3176)

§ 182.646 *Form 1443-B.* The proprietor shall keep a monthly record on Form 1443-B, "Report of Alcohol in Packages," in duplicate. There shall be entered daily the quantity of alcohol transferred at the warehouse to packages or received in packages from industrial alcohol plants and from other bonded warehouses and the quantities withdrawn for shipment in packages from the warehouse. Entries of withdrawals of alcohol for tax-payment and deposit in the tax-paid storeroom (if any) should show the disposition of such alcohol to the proprietor of the warehouse for such purpose. The required entries shall be made in the form before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, as authorized herein, appropriate memoranda shall be maintained for the purpose of making the entries correctly.

(53 Stat. 357, 358, 364, 375; 26 U. S. C. 3101, 3105, 3124, 3176)

§ 182.647 *Disposition of Forms 1443-A and 1443-B.* On or before the 5th day of the month succeeding that for which Forms 1443-A and 1443-B are rendered, the proprietor shall deliver two copies of each form to the storekeeper-gauger in charge. Each form shall be duly subscribed and sworn to: *Provided*, That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that such report is made under penalties of perjury, such report shall be verified by the execution of such declaration, and

such declaration so executed shall be in lieu of the oath required herein for verification. The storekeeper-gauger shall examine the forms carefully, and, if they are complete in all respects, and the quantities shown on hand at the end of the month are correct, he will initial all copies of the forms, forward the original of each form to the Assistant Regional Commissioner for audit and retention and return the copy of each form to the proprietor who shall file the same in bound form as a permanent record available for inspection by Government officers.

(53 Stat. 358, 364, 375, 63 Stat. 667; 26 U. S. C. 3105, 3124, 3176, 3809)

OPERATIONS BY USERS OF TAX-FREE ALCOHOL

RECORDS AND REPORTS OF PERMITTEE

§ 182.668 *General*. Every person holding basic permit, Form 1447, shall keep records and render reports as hereinafter provided. Entries shall be made as indicated by the headings of the various columns and lines of the form and the instructions printed thereon or issued in respect thereto and as required by this part. The provisions of § 182.455 concerning the time of making entries, of § 182.455a concerning the failure to keep records or allow inspection and of § 182.461 concerning the filing of forms by proprietors of industrial alcohol plants are hereby made applicable to reports by persons holding basic permit, Form 1447. The reports must be signed in the same manner as the application, Form 1447, except that in the case of a corporation the affixing of the corporate seal will not be required. Where the reports are signed by an agent, proper power of attorney authorizing the agent to execute the reports for the proprietor must be filed on Form 1534 in duplicate, with the Assistant Regional Commissioner who will, after entering the date of receipt and his signature on both copies, retain the original and return the copy to the principal.

(53 Stat. 357, 358, 359, 364, 373, 375; 26 U. S. C. 3101, 3105, 3108, 3124, 3171, 3176)

OPERATION OF INDUSTRIAL ALCOHOL DENATURING PLANTS

RECORDS AND REPORTS OF PROPRIETOR

§ 182.781 *General*. The proprietor of every denaturing plant shall render daily reports on Forms 1466, 1467, 1453-A, and 1473 and shall keep monthly records on Forms 129 and 1468-A, B, C, D, E, and F. All of the information called for in each form, as indicated by the headings of the various columns and lines of the form and the instructions printed thereon or issued in respect thereto and as required by the regulations in this part will be given. The requirements of § 182.455 concerning the time of making entries, of § 182.455a concerning the failure to keep records or allow inspection, and of § 182.461 concerning the filing of forms by proprietors of industrial alcohol plants, are hereby made applicable to reports rendered by proprietors of denaturing plants. The reports must

be signed in the same manner as the application, Form 1431, except that in the case of a corporation the affixing of the corporate seal will not be required. Forms 129, 1468-A, 1468-E and 1468-F must be verified under oath (or affirmation) by the proprietor or his authorized agent at the plant: *Provided*, That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that such report is made under penalties of perjury, such report shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. Where the reports are signed by an agent, proper power of attorney authorizing the agent to execute the reports for the proprietor must be filed on Form 1534, in duplicate, with the Assistant Regional Commissioner who will, after entering the date of receipt and his signature on both copies, retain the original and return the copy to the principal.

(53 Stat. 355, 358, 364, 375; 63 Stat. 667; 26 U. S. C. 3070, 3105, 3124, 3176, 3809)

§ 182.787 *Forms 129 and 1468-A, B, C, D, E, and F*. The proprietor shall keep a monthly record on Forms 129 and 1468-A, B, C, D, E, and F in duplicate, of all alcohol and denaturants used for denaturation, and removed (either before or after denaturation) during the month, and on hand the first and last of the month. Entries shall be made on the forms before the close of the business day next succeeding the day on which the transactions occur, except that summary entries will be made at the close of the month. Where the making of the entries is deferred to the next business day, as authorized herein, appropriate memoranda shall be maintained for the purpose of making the entries correctly.

(e) *Disposition of forms*. The proprietor will deliver both copies of Forms 129 and 1468-A, B, C, D, E, and F to the storekeeper-gauger on or before the 10th day of the month succeeding that for which the forms are rendered. The storekeeper-gauger will examine the forms, and if they are complete in every respect, and if the quantities of denaturants received and shipped out, the shipment of completely denatured alcohol, the quantities of recovered alcohol restored and the losses in restoration, and the quantities on hand last of month are all correctly reported, he will initial all copies of the forms, return the copy of each form to the proprietor and forward the original of each form to the Assistant Regional Commissioner for audit and retention. The Assistant Regional Commissioner, in his discretion, may extend (to the 10th day of the month) the time for delivering the monthly report, Form 1442, for the industrial alcohol plant on the denaturing plant premises and Forms 1443-A and 1443-B for the bonded warehouse on the denaturing plant premises, in order that all of the monthly reports for the same premises may be submitted together.

(53 Stat. 355, 358, 363, 364, 375; 26 U. S. C. 3070, 3105, 3121, 3124, 3176)

OPERATIONS BY DEALERS IN SPECIALLY DENATURED ALCOHOL

RECORDS AND REPORTS OF BONDED DEALERS

§ 182.819 *General*. Every person holding basic permit, Form 1476, shall keep records and render reports as hereinafter provided. Entries shall be made as indicated by the headings of the various columns and lines of the forms and the instructions printed thereon or issued in respect thereto and as required by this part. The provisions of § 182.455a concerning the failure to keep records or allow inspection and of § 182.461 concerning the filing of forms by proprietors of industrial alcohol plants are hereby made applicable to reports rendered by bonded dealers holding basic permit, Form 1476. The reports must be signed in the same manner as the application, Form 1474, except that in the case of a corporation the affixing of the corporate seal will not be required. Where the reports are signed by an agent proper power of attorney authorizing the agent to execute the reports for the proprietor must be filed on Form 1534, in duplicate, with the Assistant Regional Commissioner who will, after entering the date of receipt and his signature on both copies, retain the original and return the copy to the principal.

(53 Stat. 355, 357, 358, 364, 373, 375; 26 U. S. C. 3070, 3101, 3105, 3124, 3171, 3176)

§ 182.822 *Record, Form 1478*. Every bonded dealer holding permit to deal in specially denatured alcohol must keep Form 1478, covering his transactions for each month and prepare monthly reports therein, in duplicate. Form 1478 must be verified under oath (or affirmation) by the bonded dealer or his authorized agent: *Provided*, That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that such report is made under penalties of perjury, such report shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. One copy of the form shall be retained by the bonded dealer and the original must be forwarded by the bonded dealer on or before the fifth day of the succeeding month to the Assistant Regional Commissioner for audit and retention. There will be entered daily the details of all specially denatured alcohol received, and when received from a denaturing plant the number of such plant shall be entered in the column provided therefor. The amount of specially denatured alcohol lost from each lot in transit to the bonded dealer's storeroom will be entered in the proper column on the same line with the quantity reported received in such lot. The quantities reported lost in transit will not be included in the losses in the storeroom reported in the summary. Details will be entered daily of all specially denatured alcohol disposed of to manufacturers or other bonded dealers or any other disposition of such specially denatured alcohol. The number of the basic permit of the manufacturer or bonded dealer to whom specially denatured alcohol is shipped shall

also be appropriately entered. Where several packages are shipped or delivered on the same day to the same person, the aggregate quantity so shipped or delivered may be stated on one line. The required entries shall be made in the form before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, as authorized herein, appropriate memoranda shall be maintained for the purpose of making the entries correctly.

(53 Stat. 358, 364, 375, 63 Stat. 657; 26 U. S. C. 3105, 3124, 3176, 3809)

OPERATIONS BY USERS OF SPECIALLY DENATURED ALCOHOL

DESTRUCTION AND DISPOSITION OF SPECIALLY DENATURED ALCOHOL

§ 182.867 *Destruction.* Specially denatured alcohol in the possession of a permittee may, upon approval of the Assistant Regional Commissioner, be destroyed by the permittee. The permittee shall file application so to do with the Assistant Regional Commissioner, in duplicate, stating fully the reason therefor. The specially denatured alcohol shall be destroyed in the presence of a Government officer, unless the quantity involved is small and insufficient in the opinion of the Assistant Regional Commissioner to warrant such supervision. Upon approval of the application, the Assistant Regional Commissioner shall instruct the permittee whether or not such destruction shall be witnessed by a Government officer. If a Government officer is assigned to witness the destruction of the specially denatured alcohol, the officer shall certify to the destruction on each copy of the approved application specifying the date and manner of destruction. If the permittee is authorized to destroy the specially denatured alcohol without Government supervision, he shall likewise certify to the destruction of the specially denatured alcohol on each copy of the approved application. One copy of the approved application will be filed by the permittee and one copy returned to the Assistant Regional Commissioner. (53 Stat. 358, 364, 375; 26 U. S. C. 3105, 3124, 3176)

§ 182.868 *Return to industrial alcohol plant, denaturing plant or bonded dealer* Where specially denatured alcohol, lawfully in the possession of a manufacturer, is found to be unsuitable for use, or where any such manufacturer discontinues the use thereof, or where for any other legitimate reason such manufacturer desires so to do, such denatured alcohol may be returned to any industrial alcohol plant, denaturing plant, or bonded dealer for lawful disposition: *Provided*, That (a) consent of surety is filed on the bond (if any) of the manufacturer, extending terms thereof to cover the transportation of the specially denatured alcohol to the industrial alcohol plant, denaturer, or bonded dealer, (b) the industrial alcohol plant, denaturer, or bonded dealer consents to the return, and (c) permission for such

transfer is, in each instance, first obtained from the Assistant Regional Commissioner of the region from which the specially denatured alcohol is to be returned. The application shall be filed in duplicate with the Assistant Regional Commissioner. If the application is approved, the Assistant Regional Commissioner will forward one copy of the approved application to the permittee, and retain the remaining copy for his files. If the industrial alcohol plant, denaturer, or bonded dealer is situated in another region, the Assistant Regional Commissioner authorizing the return will forward a letter of authorization to the Assistant Regional Commissioner of such other region.

(53 Stat. 358, 364, 375; 26 U. S. C. 3105, 3124, 3176)

RECORDS AND REPORTS OF MANUFACTURERS

§ 182.873 *General.* Every person holding basic permit, Form 1481, shall keep records and render reports as hereinafter provided. Entries shall be made as indicated by the headings of the various columns and lines of the form and the instructions printed thereon or issued in respect thereto and as required by the regulations in this part. The provisions of § 182.455a concerning the failure to keep records or allow inspection and of § 182.461 concerning the filing of forms by proprietors of industrial alcohol plants are hereby made applicable to reports rendered by manufacturers holding basic permit, Form 1481, to use specially denatured alcohol. The reports must be signed in the same manner as the application, Form 1479, except that in the case of a corporation the affixing of the corporate seal will not be required. Where the reports are signed by an agent, proper power of attorney authorizing the agent to execute the reports for the proprietor must be filed on Form 1534, in duplicate, with the Assistant Regional Commissioner who will, after entering the date of receipt and his signature on both copies, retain the original and return the copy to the principal.

(53 Stat. 355, 358, 364, 375; 26 U. S. C. 3070, 3105, 3124, 3176)

§ 182.874 *Form 1482.* Every manufacturer holding permit to use specially denatured alcohol or to recover completely denatured alcohol or articles for reuse must make a report on Form 1482, covering his transactions for each month and prepare monthly reports thereon, in duplicate. The report must show all of the information as indicated by the various columns and lines, including all denatured alcohol on hand, received, used, and recovered during the month, and as indicated by the instructions on the form or issued in respect thereto and as required by the regulations in this part. Form 1482 must be verified under oath (or affirmation) by the manufacturer or his authorized agent: *Provided*, That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that such report is made under penalties of perjury such report shall be verified by the execution of such declaration, and

such declaration so executed shall be in lieu of the oath required herein for verification. One copy of the form shall be retained by the manufacturer and the original must be forwarded by the manufacturer on or before the 10th day of the succeeding month to the Assistant Regional Commissioner for audit and retention in accordance with § 182.876. Failure to keep or file this report as herein required will constitute grounds for the issuance of citation for the revocation of the manufacturer's basic permit.

(53 Stat. 355, 358, 364, 375, 63 Stat. 657; 26 U. S. C. 3070, 3105, 3124, 3173, 3333)

§ 182.876 *Audit of reports.* Upon receipt of Form 1482 from the manufacturer, the Assistant Regional Commissioner will carefully examine the same, and shall see that all specially denatured alcohol shown shipped to the manufacturer on shippers' memorandum slips, Form 1473, has been accounted for by the manufacturer. Upon completion of the examination and audit, the Assistant Regional Commissioner will file the Form 1482 in his office.

(53 Stat. 358, 364, 375; 26 U. S. C. 3105, 3124, 3176)

4. Section 184.842 of Regulations 5 (26 CFR Part 184; 15 F. R. 5552) "Production of Brandy," is amended as follows:

SUBPART III—MANUFACTURE OF DEALCOHOLIZED WINES

§ 184.842 *Record and report, Form 1493.* Every fruit distiller manufacturing dealcoholized wine shall keep a record on Form 1493 for each month that dealcoholized wine is produced, or dealcoholized wine or wine containing one-half of 1 percent or more of alcohol by volume procured for the manufacture of dealcoholized wine, remains on the premises. Entries shall be made on the form as indicated by the headings of the various columns and lines thereof. The form will be retained at the distillery as a permanent record, subject to inspection by Government officers. The distiller shall prepare and forward an original of Form 1493 to the Assistant Regional Commissioner not later than the 10th day of the month succeeding that for which the report is rendered. Form 1493 must be sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that the report is made under penalties of perjury, such report shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. The Assistant Regional Commissioner will, after audit, retain the report in his office.

(53 Stat. 347 as amended, 343 as amended, 375; 63 Stat. 657; 26 U. S. C. 3039, 3031, 3176, 3333)

5. Sections 187.316 and 187.326 of Regulations 16 (26 CFR Part 187; 15 F. R. 5009), "Denaturation of Rum," are amended as follows:

SUBPART X—PROPRIETOR'S RECORD AND
REPORT OF DENATURANTS

* * * * *

§ 187.316 *Monthly report.* The proprietor shall render a monthly report on Record 129, to the Assistant Regional Commissioner on or before the 5th day of the succeeding month. Record 129 must be sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that such report is made under penalties of perjury, such report shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. The Assistant Regional Commissioner will, after audit, retain the report in his office.

(53 Stat. 373, 375, 63 Stat. 667; 26 U. S. C. 3171, 3176, 3809)

SUBPART Y—STOREKEEPER-GAUGER'S RECORD
AND REPORT

* * * * *

§ 187.326 *Monthly report.* The storekeeper-gauger shall render a monthly report on Form 575, to the Assistant Regional Commissioner on or before the 5th day of the succeeding month. The Assistant Regional Commissioner will, after audit, retain the report in his office.

(53 Stat. 375; 26 U. S. C. 3176)

6. Sections 189.295 and 189.301 of Regulations 11 (26 CFR Part 189; 15 F. R. 4581) "Bottling of Tax-Paid Distilled Spirits," are amended as follows:

SUBPART Y—PROPRIETOR'S RECORDS AND
REPORTS

§ 189.295 *Form 52-D.* Every proprietor of a tax-paid bottling house shall keep a record and render a monthly report, on Form 52-D, of all spirits received, dumped for bottling, bottled, and disposed of at his bottling house.

(53 Stat. 327 as amended, 375, 495; 26 U. S. C. 2857, 3176, 4041)

§ 189.301 *Reports.* Except as otherwise provided in this section, the proprietor shall file, daily, full and complete transcripts, of Form 52-D (Part 3) on Form 52-D (Part 3) and full and complete transcripts of Record 52 on Forms 52-A and 52-B (one copy of each) with the Assistant Regional Commissioner, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided*, That in any case in which the Assistant Regional Commissioner shall direct, the transcripts shall be so filed with the Supervisor in Charge instead of with the Assistant Regional Commissioner. The transcripts shall bear the following certification signed by the person or officer authorized to execute Form 338 or 52-D:

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

If in any case the Assistant Regional Commissioner shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the month succeeding the

month in which the transactions occurred. In such event, transactions will be entered on Form 52-D and Record 52 in accordance with the provisions of § 189.299. A full and complete transcript of Form 52-D (except Part 3 where such part is filed daily) shall be prepared and forwarded to the Assistant Regional Commissioner on or before the 10th day of the month succeeding the month in which the transactions occurred. Form 52-D must be sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that such report is made under penalties of perjury, such report shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. When Record 52 is kept, a monthly summary report on Form 338 shall be prepared in duplicate, one copy of which will be retained on file and the original forwarded to the Assistant Regional Commissioner on or before the 10th day of the month succeeding the month in which the transactions occurred. Form 338 must be sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that such report is made under penalties of perjury, such report shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. Records kept on Form 52-D and Record 52 shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts by the Commissioner or any internal revenue officer.

(53 Stat. 327 as amended, 373 as amended, 375, 495, 63 Stat. 667; 26 U. S. C. 2857, 3170, 3176, 4041, 3809)

7. Section 190.510 of Regulations 15 (26 CFR Part 190; 15 F. R. 4790) "Rectification of Spirits and Wines," is amended as follows:

SUBPART Y—RECTIFICATION

* * * * *
MANUFACTURE OF SPARKLING WINES
* * * * *

§ 190.510 *Records and reports.* Where the sparkling wine is to be manufactured by secondary fermentation within the bottle, the rectifier will, upon bottling the still wine, prepare a special report on Form 702-A, in duplicate, properly modified as to the heading, and showing in Statement II the date, quantity, and alcoholic content of the still wines used and the number of bottles of each size filled. Form 702-A must be sworn to before an officer authorized to administer oaths: *Provided*, That if the form officially prescribed for such report contains therein a provision for verification by a written declaration that such report is made under the penalties of perjury, such report shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for veri-

fication. The rectifier will retain the copy of Form 702-A and forward the original copy to the Assistant Regional Commissioner for audit and retention. Thereafter, as long as sparkling wines are in the process of manufacture the rectifier will prepare a report thereof each month on Form 702-A, in duplicate, the copy of which will be retained at the rectifying plant and the original forwarded to the Assistant Regional Commissioner enclosed with the rectifier's monthly report, Form 45. The rectifier will also make appropriate entries on Form 45 of the manufacture and disposition of all sparkling wines produced.

(53 Stat. 327, 373 as amended, 375; 63 Stat. 667; 26 U. S. C. 2855, 3170, 3176, 3809)

8. It is found that compliance with the notice and public rule-making procedure and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1001, et seq.) is unnecessary in connection with the issuance of these amendments for the reason that the changes are of a liberalizing and administrative character.

9. These regulations shall be effective on July 1, 1953.

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

Approved: July 23, 1953.

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

[F. R. Doc. 53-6608; Filed, July 27, 1953;
8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 995]

[Docket No. AO-197-A2]

HANDLING OF MILK IN THE LIMA, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Barr Hotel, 210 North Union Street, Lima, Ohio, beginning at 10:00 a. m., local time, August 17, 1953, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modification thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order regulating the handling of milk in the Lima, Ohio, marketing area. The amendments proposed have not received

the approval of the Secretary of Agriculture.

Proposal numbered 1 as hereinafter set forth includes the city of Findlay, Ohio, and Hancock County as part of the marketing area. Proposal numbered 5 provides for the separate pricing and pooling of milk in that portion of the marketing area. In order to permit the widest possible consideration of milk marketing conditions, notice is hereby given that testimony may relate either to a single order for the entire area, as proposed, or to a separate order for the Findlay and Hancock County area. Proposals relative to the enlargement of the marketing area raise the issue as to whether the provisions of the present order would tend to effectuate the declared policy of the act, if applied to the marketing area as proposed to be extended and, if not, what modifications of the provisions of the order, as amended, should be made to effectuate the declared policy of the act.

By The Northwestern Cooperative Sales Association, Inc..

1. a. Amend § 995.5 by adding thereto, all of Allen County and all of Hancock County in the State of Ohio. Findlay marketing area shall include the city of Findlay, Ohio, and Hancock County. Lima marketing area shall include the city of Lima and Allen County, Ohio.

b. Add a § 995.14 as follows:

§ 995.14 *Findlay plant.* "Findlay plant" means a plant (a) located within the Findlay marketing area or (b) located outside the marketing area from which more than 50 percent of the Class I milk disposed of from such plant within the marketing area during the month is disposed of within the Findlay marketing area. Lima plant classification shall be on a similar basis using the Lima marketing area criterion.

2. In § 995.41 redesignate paragraph (b) as paragraph (c) and Class II as Class III and insert paragraph (b) as follows:

(b) Class II milk shall include all milk used for cottage cheese, both fat and skim and all milk used for ice cream, both fat and skim.

3. Redesignate § 995.52 as § 995.53 and insert the following as § 995.52:

§ 995.52 The price of Class II milk shall be the price that would result from the computation given in § 995.50 (b) *Provided*, That in no case shall the "roller process" powder prices be used in the computation, provided further that in no case shall the Class II price be less than the Class III price plus ten cents.

4. Delete § 995.51 (a) and substitute therefor the following:

(a) To the basic formula price add the following amounts for the months indicated:

April, May, and June.....	\$0.80
February, March, and July.....	1.20
All others.....	1.70

In the Lima marketing district all differentials shall be 6 cents less.

5. In § 995.61 add the words "for Findlay handlers and Lima handlers' by"

at the end of the opening (heading) paragraph and add paragraphs (g) and (h) as follows:

(g) In the case of Findlay handlers an adjusted uniform price shall be computed as follows:

(1) Adjust the values for Lima handlers, computed pursuant to § 991.60 to a 3.5 percent butterfat basis by the butterfat differential in § 991.75, combine the adjusted values into one total, and divide such total by the hundredweight of producer milk received by such handlers;

(2) Subtract from such result the amount per hundredweight (subtrahend) subtracted pursuant to paragraph (f) of this section and add an amount computed as follows: Divide the amount of the cash balance as set forth in paragraph (d) of this section by the total quantity of producer milk;

(3) Subtract such net amount from the per hundredweight figure resulting from paragraph (f) of this section;

(4) Determine the percentage which the total hundredweight of producer milk received by Lima handlers bears to the total hundredweight of producer milk received by Findlay handlers, and multiply such percentage by the net amount per hundredweight resulting from subparagraph (3) of this paragraph;

(5) Add the amount computed under subparagraph (4) of this paragraph to the per hundredweight amount computed under paragraph (e) of this section;

(6) Adjust such sum to the full cent by subtracting not less than 4 cents but less than 5 cents.

(h) In the case of Lima handlers an adjusted uniform price shall be computed as follows:

(1) Multiply the hundredweight of producer milk for Findlay handlers by the per hundredweight figure computed for such handlers as provided in paragraph (g) (5) of this section;

(2) Subtract such amount from the sum computed in paragraph (d) of this section;

(3) Divide such net amount by the hundredweight of producer milk for Lima handlers; and

(4) Adjust such sum to the full cent by subtracting not less than 4 cents but less than 5 cents.

6. Add to § 995.70 the following: "*Provided*, That in case any producer exceeds the following production variation limits on his May or June production, as set forth in this section, that on such excess pounds he shall be paid the lowest class price for such milk as long as there is producer milk in such lowest priced class. For 1954, May or June average daily delivery shall not exceed 200 percent of October, November and December average daily delivery, for 1955—160 percent, 1956—160 percent, and 1957—140 percent. Such adjustments for each producer's milk shall be made on the final payment check for May and June milk respectively."

7. Add to the basic formulas a new butter-cheese formula.

The price per hundredweight resulting from following formula:

(1) Multiply by 2.53 the average of daily prices per pound of cheese at Wisconsin Primary markets (Cheddars f. o. b. Wisconsin assembling points, cars or truck loads) as reported by USDA during the delivery period.

(2) Add 0.002 per pound of butter (92 score Chicago).

(3) Subtract 34.3 cents.

8. In § 995.71 in place of the words "not less than the uniform price" insert the words "not less than an amount established by the market administrator to be based on the current basic formula price and Class I differential less the usual deductions"

9. Consider a revision of Class I pricing of milk to handlers on a per hundredweight basis rather than the present fat and skim basis.

10. In § 995.77 (b) insert after the words "pursuant to § 995.70" and before the words "and shall pay" the following: "as may be properly authorized by such cooperative association"

11. Consider any other changes in the pricing provisions of the order for the purpose of fixing minimum prices at a level which will reflect the economic and emergency conditions existing in the market.

12. Make such other changes as are necessary to make the order conform with any amendments thereto that may result from the hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement, and the order, now in effect may be procured from the Market Administrator, 420 Dominion Bldg., Lima, Ohio, or from the Hearing Clerk, United States Department of Agriculture, in Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 23d day of July 1953.

[SEAL] Roy W. LETHBRIDGE,
Assistant Administrator.

[F. R. Doc. 53-6603; Filed, July 27, 1953; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[426.53]

BRASS PINION RODS

PROSPECTIVE TARIFF CLASSIFICATION

JULY 22, 1953.

It appears probable that brass pinion rods are properly classifiable as articles or wares not specially provided for, composed wholly or in chief value of brass, under paragraph 397, Tariff Act of 1930, at a rate of duty higher than that heretofore assessed under an established and uniform practice.

Pursuant to § 16.10a (d) Customs Regulations of 1943, as amended (19 CFR 16.10a (d)) notice is hereby given that the existing uniform practice of classifying such merchandise as brass rods

under paragraph 381, Tariff Act of 1930, is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D. C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 53-6607; Filed, July 27, 1953;
8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Farm Credit Administration

[Farm Credit Administration Order 578;
Revocation of Order 554]

DEPUTY GOVERNOR ET AL.

AUTHORITY TO ACT IN ABSENCE OF GOVERNOR

Carl Colvin, Deputy Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor is unavailable to act, by reason of absence or for any other cause.

T. F. Murphy, Deputy Governor in Charge of Finance and Accounts and Administrative Divisions, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor and Deputy Governor Colvin are unavailable to act, by reason of absence or for any other cause.

A. T. Esgate, Production Credit Commissioner, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration in the event that the Governor, Deputy Governor Colvin, and T. F. Murphy, Deputy Governor in Charge of Finance and Accounts and Administrative Divisions, are unavailable to act by reason of absence or for any other cause.

Any Deputy Commissioner, or any Assistant Deputy Commissioner in the Farm Credit Administration, who is designated by the Governor for such purpose, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor, Deputy Governor Colvin, T. F. Murphy, Deputy Governor in Charge of Finance and Accounts and Administrative Divisions, and Commissioner A. T. Esgate are unavailable to act, by reason of absence or for any other cause.

[SEAL] C. R. ARNOLD,
Governor

Approved: July 23, 1953.

E. T. BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-6614; Filed, July 27, 1953;
8:51 a. m.]

Office of the Secretary

[Memorandum No. 1332]

OFFICE OF THE SOLICITOR

ASSIGNMENT OF SECRETARY'S RESPONSIBILITIES UNDER CAPPER-VOLSTEAD ACT

JULY 23, 1953.

Section 1 of the Capper-Volstead Act (7 U. S. C. 291) grants farmers' cooperative marketing associations which meet prescribed terms and conditions a limited exemption from the antitrust acts. Section 2 of the Act (7 U. S. C. 292) provides that if the Secretary of Agriculture has reason to believe that such a farmers' cooperative marketing association has monopolized or restrained trade in interstate or foreign commerce to such an extent that the price of any agricultural product has been "unduly enhanced by reason thereof," the Secretary shall serve a complaint on the association. If, following a hearing (which must be held if action is to be taken) the Secretary concludes that the association has thus monopolized or restrained trade, he shall issue a cease and desist order. If the association fails to abide by the order a certified copy of the order is to be filed with the district court in the district where the association has its principal place of business and notice given to the association and the Attorney General. The Department of Justice then takes charge of enforcing the order.

The responsibility for initiating appropriate action pursuant to section 2 of the Capper-Volstead Act, based upon either complaints from the public or factual information available to any agency of the Department that a cooperative marketing association meeting the prescribed conditions of that act, or any marketing agency referred to in section 1 of the act, may be violating section 2 thereof, is hereby assigned to the Office of the Solicitor. Each agency in the Department shall submit to the Office of the Solicitor any complaint from the public or a memorandum of any facts coming to its attention indicating a possible violation of section 2 of that act.

The Office of the Solicitor shall consult with any other appropriate agency within the Department and may utilize the services of the Compliance and Investigation Branch of the Production and Marketing Administration, if necessary, for the purpose of developing preliminary information. A report on the case, with the Solicitor's recommendation, shall then be submitted to the Secretary for a determination as to whether a complaint should be served. If the Secretary decides to proceed, the Office of the Solicitor will take the necessary steps to hold a hearing, and will represent the Department in all phases of the proceeding until the enforcement of any cease and desist order which might be issued is placed in charge of the Department of Justice.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-6616; Filed, July 27, 1953;
8:51 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC WESTBOUND CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. section 814.

(1) Agreement No. 57-41 between the Member Lines of the Pacific Westbound Conference modifies Article 6 of the basic agreement of that Conference (No. 57) to provide that there shall not be less than two meetings of the Conference annually. Agreement No. 57 presently provides that there shall not be less than three meetings of the Conference annually.

(2) Agreement No. 5680-7, between the Member Lines of the Pacific Straits Conference, modifies Article 6 (a) of the basic agreement of that Conference (No. 5680) to provide that no freight brokerage shall be paid in excess of 1¼ percent on the amount of freight earned by the initial member carrier, but not including transshipment freight, unless otherwise authorized by two-thirds of the members at a regular meeting of the Conference.

(3) Agreement No. 6060-10, between the Member Lines of the Pacific Indonesian Conference, modifies Article 6 (a) of the basic agreement of that Conference (No. 6060) to provide that no freight brokerage shall be paid in excess of 1¼ percent on the amount of freight earned by the initial member carrier, but not including transshipment freight, unless otherwise authorized by two-thirds of the members at a regular meeting of the Conference.

(4) Agreement No. 7864-1 between Louis Dreyfus et Cie and Buries Marques, Ltd., modifies the Louis Dreyfus Lines joint service agreement (No. 7864) to designate Ponchelet Marine Corporation as General Agent and authorized representative of the joint service in place of Kerr Steamship Company, Inc. Agreement No. 7864 covers the trade between U. S. Gulf ports and ports in West, Southwest, South, and East Africa and the Islands of Madagascar, Reunion and Mauritius.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 23, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 53-6598; Filed, July 27, 1953;
8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1668, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818)

Greer Shirt Corp., P. O. Box 390, Greer, S. C., effective 7-16-53 to 1-15-54; 20 learners for expansion purposes (men's and boys' sport and dress shirts).

Hampton Underwear Co., Inc., Oak Street, Greenwood, S. C., effective 7-15-53 to 1-14-54; 50 learners for expansion purposes. This certificate authorizes the employment of learners at subminimum wage rates in the manufacture of men's sport shirts only (sport shirts).

Kaplan and Koral, 597 Main Street, Edwardsville, Pa., effective 7-31-53 to 7-30-54; 10 learners for normal labor turnover purposes (women's dresses).

The H. D. Lee Co., Inc., Box 455, Boaz, Ala., effective 7-14-53 to 7-13-54; 10 percent of the factory production force for normal labor turnover purposes (men's work clothing).

Louisiana Garment Manufacturing Co., Inc., 2001 St. Bernard Avenue, New Orleans, La., effective 7-26-53 to 7-25-54; 10 percent of the factory workers for normal labor turnover purposes (uniform pants, slacks, pants, uniform shirts).

Florence Stevens, Petersburg, N. Y., effective 7-18-53 to 7-17-54; 5 learners for normal labor turnover purposes (children's dresses).

The Ward-Stilson Co., Bainbridge, Ga., effective 7-18-53 to 7-17-54; 10 percent of the factory production workers for normal labor turnover purposes (women's cotton dresses).

The Warner Bros. Co., Malone, N. Y., effective 7-25-53 to 1-24-54; 20 learners for expansion purposes (corsets and brassieres).

Williamson-Dickie Manufacturing Co., Bainbridge, Ga., effective 7-27-53 to 1-26-54; 25 learners for expansion purposes (work clothing).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950, 15 F. R. 6888; and July 13, 1953, 18 F. R. 3292)

Indianapolis Glove Co., Inc., Springfield, Ohio, effective 7-25-53 to 7-24-54; 10 learners (Jersey work gloves).

Indianapolis Glove Co., Inc., Houlika, Miss., effective 7-25-53 to 7-24-54; 10 learners (canton flannel and cotton jersey work gloves).

Indianapolis Glove Co., Inc., Coshocton, Ohio, effective 7-25-53 to 7-24-54; 10 learners (canton flannel work gloves).

Indianapolis Glove Co., Inc., Eaton, Ohio, effective 7-25-53 to 7-24-54; 10 learners (jersey work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951, 16 F. R. 10733).

Miller White Hosiery Mills, Taylorville, N. C., effective 7-20-53 to 7-19-54; 5 learners (seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Dutchess Underwear Corp., Old Forge, Pa., effective 7-17-53 to 7-16-54; 5 percent of the total number of factory production workers (not including office and sales personnel) (ladies' knit underwear).

Lady Jane Manufacturing Co., Inc., 125 South Spruce Street, Mt. Carmel, Pa., effective 7-17-53 to 12-15-53; 60 additional learners for expansion purposes (ladies' underwear from knit rayon).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

Malsak-Handler Shoe Co., Inc., Senath, Mo., effective 8-1-53 to 7-31-54; 10 learners.

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

Carolina Manufacturing Co., 301 West Franklin Street, Monroe, N. C., effective 7-20-53 to 1-19-54; 10 learners. Sewing machine operators, 240 hours at 65 cents per hour (mattress covers, table covers, pillow cases).

The following special learner certificates were issued in Puerto Rico and in the Virgin Islands to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Paula Shoe Co., Inc., Ponce, P. R., effective 7-14-53 to 1-13-54; 72 learners; any productive factory operation, 240 hours at 30 cents an hour, 240 hours at 32½ cents an hour (shoe manufacturing).

Porto Rico Telephone Co., Santurce, P. R., effective 7-7-53 to 1-6-54; 60 learners. Installers and repairmen, splicers, framemen, apparatus repairmen, testers, switchmen, each 320 hours at 53 cents an hour, 320 hours at 58 cents an hour, 320 hours at 63 cents an hour; telephone operators, 240 hours at 53 cents an hour, 240 hours at 58 cents an hour (telephone industry).

Porto Rico Telephone Co., Aracibo, P. R., effective 7-7-53 to 1-6-54; 5 learners; installer and repairman, frameman, testman, switchman, each 320 hours at 53 cents an hour, 320 hours at 58 cents an hour, 320 hours at 63 cents an hour; telephone operator, 240 hours at 53 cents an hour, 240 hours at 58 cents an hour (telephone industry).

Porto Rico Telephone Co., Hato Rey, P. R., effective 7-7-53 to 1-6-54; 3 learners; telephone operators, 240 hours at 53 cents an hour, 240 hours at 58 cents an hour (telephone industry).

Porto Rico Telephone Co., Mayaguez, P. R., effective 7-7-53 to 1-6-54; 11 learners; in-

stallers and repairmen, framers, testmen, switchmen, each 320 hours at 53 cents an hour, 320 hours at 58 cents an hour, 320 hours at 63 cents an hour; telephone operators, 240 hours at 53 cents an hour, 240 hours at 58 cents an hour (telephone industry).

Porto Rico Telephone Co., Ponce, P. R., effective 7-7-53 to 1-6-54; 12 learners; installers and repairmen, framemen, testmen, switchmen, each 320 hours at 53 cents an hour, 320 hours at 58 cents an hour, 320 hours at 63 cents an hour; telephone operators, 240 hours at 53 cents an hour, 240 hours at 58 cents an hour (telephone industry).

Porto Rico Telephone Co., Rio Piedras, P. R., effective 7-7-53 to 1-6-54; telephone operators, 240 hours at 53 cents an hour, 240 hours at 63 cents an hour (telephone industry).

Virgin Islands Button Co., Inc., Charlotte Amalie, St. Thomas, V. I., effective 7-20-53 to 1-19-54; 8 learners; cutters, 240 hours at 35 cents an hour, 240 hours at 40 cents an hour; miscellaneous hand machine operators, 160 hours at 35 cents an hour (pearl buttons).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 20th day of July 1953.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[F. R. Doc. 53-6381; Filed, July 27, 1953;
8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4837]

CUBA AEROPOSTAL, S. A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Cuba Aeropostal, S. A., for a foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938 authorizing it to engage in the transportation, as a common carrier, in scheduled and non-scheduled flights of mail and property between the terminal points Havana, Cuba, and Miami, Florida.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 5, 1953, at 10:00 a. m., e. d. s. t., in Room 1205, Temporary Building No. 4, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., July 23, 1953.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-6604; Filed, July 27, 1953;
8:50 a. m.]

[Docket No. 6111]

TRANSPORTES AEREOS NACIONALES, S. A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Transportes Aereos Nacionales, S. A., for extension or renewal of its Foreign Air Carrier Permit between the co-terminal points Tegucigalpa and San Pedro Sula, Honduras; an intermediate point or points in Honduras; the intermediate point Havana, Cuba, and the terminal point Miami, Florida, subject to certain conditions.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 4, 1953, at 10:00 a. m., e. d. s. t., in Room 1205, Temporary Building No. 4, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington D. C., July 23, 1953.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner[F. R. Doc. 53-6601; Filed, July 27, 1953;
8:50 a. m.]

[Docket No. 6141]

LINEAS AEREA COSTARRICENSES, S. A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Lineas Aereas Costarricense, S. A., for an amendment of its foreign air carrier permit to engage in foreign air transportation of persons, property and mail between the terminal point San Jose, Costa Rica; the intermediate point Managua, Nicaragua, with traffic rights; the intermediate point Havana, Cuba, without traffic rights; and the terminal point Miami, Florida.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 6, 1953, at 10:00 a. m., e. d. s. t., in Room 1205, Temporary Building No. 4, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., July 23, 1953.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner[F. R. Doc. 53-6605; Filed, July 27, 1953;
8:50 a. m.]

[Docket No. 6188]

AIRWORK LIMITED

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference on the application of Airwork Limited for authority to engage in scheduled foreign air transportation of property between the terminal points London or Prestwick or both; one or more of the intermediate points Iceland, Azores, Gander, and Montreal; and the

terminal point New York, N. Y., is assigned to be held on August 3, 1953, at 10:00 a. m., e. d. s. t., in Room 1205, Temporary Building No. 4, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., July 23, 1953.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner[F. R. Doc. 53-6599; Filed, July 27, 1953;
8:49 a. m.]

[Docket No. 6196]

SABENA-BELGIAN AIRLINES

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on July 30, 1953, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., July 23, 1953.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner[F. R. Doc. 53-6600; Filed, July 27, 1953;
8:50 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2125]

ROBERT PIERCE WILSON

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JULY 22, 1953.

Public notice is hereby given that Robert Pierce Wilson of Taylorsville, California, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed water power Project No. 2125 (Lights Creek Power Project) to be located on Lights Creek and Moonlight Creek, tributaries to Indian Creek in Plumas County, California, affecting lands of the United States within Plumas National Forest. The proposed project would consist of: (a) A dam across Lights Creek about 130 feet high forming Upper Lights Creek Reservoir; a tunnel about 16,500 feet long; a penstock approximately 1,350 feet long; and Lights Creek Powerhouse No. 1 with an installed capacity of about 10,000 horsepower; (b) a dam across Lights Creek about 130 feet high forming Lower Lights Creek Reservoir extending upstream to Powerhouse No. 1, a tunnel about 6,000 feet long; a penstock approximately 450 feet long and Lights Creek Powerhouse No. 2 with an installed capacity of about 5,000 horsepower; (c) a dam across Moonlight Creek about 190 feet high, forming Moonlight Creek Reservoir; a tunnel about 7,000 feet long; a penstock about 2,480 feet long; and Lights Creek Power-

house No. 3 with an installed capacity of about 3,000 horsepower; (d) miscellaneous hydraulic, electrical and mechanical facilities. Portions of the power developed by the project are to be used for mining, smelting, refining and manufacturing operations, and for other uses in Northern California. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission on or before August 31, 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 53-6595; Filed, July 27, 1953;
8:48 a. m.]

[Project No. 2134]

RICHVALE IRRIGATION DISTRICT

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JULY 22, 1953.

Public notice is hereby given that Richvale Irrigation District of Richvale, California, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed waterpower Project No. 2134 (Middle Fork Project) to be located on Middle Fork of Feather River in Plumas and Butte Counties, California, affecting lands of the United States in Plumas National Forest. The project would consist of two large dams across Middle Fork of Feather River forming Cllo and Nelson Point Storage Reservoirs; a series of four diversion dams across the said river at Minerva Bar, Onion Valley, Hartman Bar and Bald Rock; tunnels aggregating about 23.4 miles in length; and five powerhouses which would develop about 3,140 feet of the gross head on Middle Fork of Feather River between Nelson Point Reservoir and Oroville Reservoir proposed by the Water Project Authority of the State of California (Project No. 2100), the five powerhouses to have an aggregate installation of about 252,000 horsepower (189,000 kw.) and other hydraulic, electrical and mechanical facilities. Transmission facilities are not included. Applicant proposes to market all of the electric energy produced at the proposed plants to the Pacific Gas and Electric Company and the stored water released from the reservoirs during irrigation season will be diverted and utilized for irrigation purposes through the existing facilities of Richvale Irrigation District and associated areas. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance

with rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before September 3, 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-6596; Filed, July 27, 1953;
8:49 a. m.]

[Project No. 2136]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JULY 22, 1953.

Public notice is hereby given that Pacific Gas and Electric Company of San Francisco, California, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed water power Project No. 2136 (Middle Fork of Feather River Development) on Middle Fork Feather River and its tributaries, and on French Creek, a tributary of North Fork Feather River, in Butte, Plumas and Sierra Counties of California, affecting lands of the United States in Plumas National Forest. The project would consist of five dams varying in height from 20 feet to 380 feet, forming five storage reservoirs at Grizzly Valley, Celio, Gold Lake, Nelson Point and French Creek, with a total gross storage capacity of about 415,000 acre-feet; four diversion dams; a system of tunnels aggregating about 23.0 miles in length; four powerhouses (Nelson Point; Onion Valley; Willow Creek; French Creek) with installed capacity of about 265,000 horsepower; and appurtenant hydraulic, mechanical and electrical facilities. Applicant proposes to distribute and sell to the public in central and northern California the power generated at the project. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before September 3, 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-6597; Filed, July 27, 1953;
8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28299]

SULPHURIC ACID FROM NORCO, LA., TO MOULTRIE, GA.

APPLICATION FOR RELIEF

JULY 23, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Norco, La.

To: Moultrie, Ga.

Grounds for relief: Competition with railcarriers, circuitous routes, additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1357; suppl. 12.

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

By the Commission,

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-6591; Filed, July 27, 1953;
8:47 a. m.]

[No. 9200]

RAILWAY MAIL PAY REOPENING OF HEARING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 20th day of July A. D. 1953.

Upon consideration of the record in the above-entitled proceeding and of a joint petition filed July 17, 1953, by the Postmaster General and the railroads, applicants at the time the Commission entered its order therein dated November 13, 1951, in 283 I. C. C. 503, for re-examination of the methods prescribed in that order for ascertaining rates and compensation for terminal service in connection with transportation of mail under certain authorizations for storage mail service, and for modification of the order with respect to such mail service on and after July 1, 1953, as more fully stated in the said petition; and for good cause appearing:

It is ordered, That the proceeding be, and it is hereby, reopened for further hearing with respect to the matters included in the said petition, and assigned for hearing September 28, 1953, 9:30 o'clock a. m., U. S. Standard Time, at the office of the Interstate Commerce Commission, Washington, D. C., before Commissioner Mitchell and Chief Examiner Mullen.

It is further ordered, That a copy of this order be served upon the Postmaster

General, and all carriers by railroad subject to the Railway Mail Pay Act of July 28, 1916, 39 Stat. 412, United States Code, title 39, sections 524-568; and that notice be given to the public by depositing a copy of this order in the Office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register, the National Archives.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-6592; Filed, July 27, 1953;
8:43 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3039]

UNITED GAS CORP. AND UNITED GAS PIPE LINE CO.

ORDER REGARDING ISSUE AND SALE OF SHARES OF COMMON STOCK PURSUANT TO RIGHTS OFFERING; AND ISSUE AND SALE OF COMMON STOCK BY SUBSIDIARY TO PARENT

JULY 21, 1953.

United Gas Corporation ("United") a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, and United's wholly owned subsidiary, United Gas Pipe Line Company ("Pipe Line") having filed a joint application-declaration and amendments thereto with this Commission pursuant to sections 6 (a) 7, 9 (a) (1) 10 and 12 of the Public Utility Holding Company Act of 1935 and the rules thereunder regarding the following proposed transactions:

United proposes to offer 1,171,863 shares of its common stock, par value \$10 per share, to stockholders of record at the close of business on July 23, 1953. Such offer will give to each stockholder of record on such date (a) the right to subscribe for and purchase, at \$21 per share, additional shares of common stock of United on the basis of one share of additional common stock for each ten shares of common stock held at the close of business on such record date and (b) the privilege to oversubscribe at the same subscription price, subject to allotment and to the exercise in full of the rights, for shares of additional common stock not subscribed for pursuant to the rights referred to in (a) above. The offering will not be underwritten.

The rights and oversubscription privilege will be evidenced by a single form of transferable registered subscription warrant which will expire and become void on August 14, 1953. The warrants are fully transferable and may be sold, divided or combined as desired. No fractional shares of common stock are to be issued. The Chase National Bank of the City of New York has been designated as Subscription Agent and in connection therewith will, pursuant to instructions from the warrant-holder, purchase rights (not in excess of 9 in any one transaction) for the account of warrant-holders to round out such holder's rights to a multiple of 10, and

will sell excess rights not required for subscriptions.

Pipe Line will issue and sell to United for \$10,000,000 cash, 10,000 shares of Common Stock, no par value. The proceeds from the sale of Pipe Line's Common Stock to United will be available to Pipe Line for completion and extension or improvement of its facilities and for reimbursing the treasury of Pipe Line in part for expenditures actually made for such purpose and for other general corporate purposes.

The proceeds from the sale by United of shares of its Common Stock will be used primarily for the following purposes: (a) To repay bank loans in the aggregate principal amount of \$10,000,000, due December 31, 1953, and bearing interest at the rate of 3¼ percent per annum; and (b) to purchase the Common Stock of Pipe Line. The remaining proceeds from the sale of Common Stock will be available to United for completion, extension or improvement of its facilities and for reimbursing the treasury of United for expenditures made for such purposes and for other general corporate purposes, including, if necessary, the making of advances to its wholly owned subsidiary, Union Producing Company.

The shares of Common Stock of Pipe Line upon acquisition by United, will be pledged with the Corporate Trustee under United's Mortgage and Deed of Trust.

The fees and expenses to be incurred in connection with the proposed transactions are estimated to aggregate \$150,000 and include counsel fees of \$15,000, fees of Subscription Agent \$39,350, auditor's fees \$6,000; printing, engraving and mailing expense \$48,575, Federal stamp tax \$13,000, filing fees \$9,800, and service company charges by Ebasco Service Company \$7,500.

It is represented that no State commission or any other Federal commission has jurisdiction over the proposed transactions. It is requested that the Commission's order herein become effective upon issuance.

Due notice having been given of the filing of the joint application-declaration, as amended, and a hearing not having been requested or ordered by the Commission and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said joint application-declaration, as amended, be granted, and permitted to become effective forthwith:

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

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 53-6559; Filed, July 24, 1953; 8:47 a. m.]

[File Nos. 54-127, 59-3, 59-12, 70-1806]

ELECTRIC BOND AND SHARE CO.

ORDER APPROVING AMENDED PLAN

JULY 15, 1953.

Electric Bond and Share Company ("Bond and Share") having filed a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 ("the act") the Commission having on February 20, 1953 issued its order approving said plan subject to the conditions therein contained;

Application having been made to the United States District Court for the Southern District of New York for an order enforcing and approving the plan; said Court, having issued its opinion on June 19, 1953, holding that the plan could not be approved, and by order dated July 7, 1953, having remanded the plan to the Commission for the purpose of considering certain clarifying amendments to be submitted by Bond and Share;

Said amendments having been filed with the Commission, and the Commission, after notice and opportunity for hearing having this date issued its findings and opinion approving the plan, as so amended, and finding it necessary to effectuate the provisions of section 11 of the act, and fair and equitable to the persons affected by it; on the basis of said findings and opinion:

It is ordered, That the plan, as amended, be, and it hereby is approved, subject to the condition that said plan not be consummated until an appropriate United States District Court shall have entered an order approving and enforcing the plan, as amended, and further subject to all the terms and conditions set forth in the Commission's order of February 20, 1953.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 53-6582; Filed, July 27, 1953; 8:46 a. m.]

[File No. 70-3098]

MILWAUKEE GAS LIGHT CO.

ORDER REGARDING ISSUANCE OF PROMISSORY NOTES

JULY 22, 1953.

Milwaukee Gas Light Company ("Milwaukee") a public utility subsidiary company of American Natural Gas Company, a registered holding company, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to a proposed transaction which is summarized below:

Milwaukee proposes, pursuant to a bank loan agreement to be dated August 1, 1953, to issue from time to time its promissory notes in the aggregate maximum principal amount of \$9,000,000 to mature August 1, 1954, and to bear interest at the rate of 3¼ percent per annum. Said notes will be issued to the following banks in the following maximum amounts:

The National City Bank of New York	\$2,800,000
The Hanover Bank, New York	2,300,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	2,300,000
First Wisconsin National Bank of Milwaukee	1,700,000
Marine National Exchange Bank of Milwaukee	200,000
Marshall & Hsley Bank, Milwaukee	200,000
Total	9,000,000

Milwaukee will have the right to prepay from time to time without penalty, in amounts of \$900,000 or multiples thereof, notes issued pursuant to the Credit Agreement, except that a prepayment penalty of ¼ of 1 percent per annum for the unexpired term of notes prepaid will apply in case of prepayment from the proceeds of borrowings from banks, other than those participating in the Credit Agreement. Said Credit Agreement will further provide that the company shall pay a commitment fee at the rate of ½ of 1 percent per annum on the average daily unused balance of the commitment, from the date of the Credit Agreement to August 1, 1954 or until the entire \$9,000,000 shall have been taken down, whichever is earlier.

The proceeds of said notes will be used to pay Milwaukee's 3 percent notes outstanding at the time of the first borrowing under the proposed Credit Agreement, estimated to be \$2,500,000, and the balance will be used, together with other available funds, for the temporary financing of Milwaukee's construction program pending the development and consummation, prior to the maturity of the proposed bank notes, of a permanent financing program. In this connection, the filing indicates that the company will expend approximately \$5,600,000 for construction in 1953 (of which approximately \$1,850,000 has been expended to April 30, 1953) and approximately \$6,200,000 in 1954.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Fees and expenses are estimated at \$2,500, including counsel fees of \$1,500.

Due notice having been given of the filing of the declaration and a hearing not having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and observing no basis for adverse findings, or the imposition of terms and conditions other than those contained in Rule U-24, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

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

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 53-6584; Filed, July 27, 1953; 8:46 a. m.]

[File No. 70-3104]

NEW ENGLAND ELECTRIC SYSTEM
NOTICE REGARDING ACQUISITION OF
SECURITIES

JULY 22, 1953.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (the "act") by New England Electric System ("NEES") a registered holding company. NEES has designated sections 9 and 10 of the act as applicable to the proposed transaction which is summarized as follows:

NEES presently holds a promissory note of What Cheer Associates, Inc. ("What Cheer") with a balance due of \$2,235,400. This note is secured by 37,500 shares of common stock of United Transit Company ("UTC") a transit company organized and operating in Rhode Island, and that company's 4 percent ten-year mortgage note presently outstanding in the principal amount of \$2,235,400. What Cheer owns all of UTC's secured notes and all but 383 shares of its outstanding 42,604 shares of capital stock.

UTC has filed an application with the Public Utility Administrator, Department of Business Regulation of the State of Rhode Island for approval of (a) a reduction in its capital in the amount of \$1,278,120 and (b) if approval is required, the transfer of \$1,278,120 from its capital stock account to a special reserve account to which losses anticipated upon the retirement of certain trackless trolley equipment will be charged. The reduction in capital will be effected by the surrender by all holders of UTC capital stock of all shares held by them in exchange for seven-tenths as many shares of new UTC capital stock. Such transactions by UTC are not subject to this Commission's jurisdiction. If such transactions are approved by Rhode Island Public Utility Administrator, the 37,500 shares of UTC capital stock pledged with NEES will be exchanged for 26,250 shares of new UTC stock. In the application of this Commission NEES seeks authority to acquire the new UTC stock in substitution for the old UTC stock held. Both before and after the exchange, 88 percent of UTC's outstanding capital stock will be pledged with NEES.

The application states that there are no fees, commissions or other remuneration involved. It further states that incidental services in connection with the proposed transaction will be performed, at the actual cost thereof, by New England Power Service Company, an affiliated service company, such services being estimated not to exceed a cost of \$500. It further states that no State or Federal commission, other than this Commission, has jurisdiction over the transaction proposed by NEES.

NEES requests that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than August 11, 1953, at 5:30 p. m., e. d. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised

by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-6590; Filed, July 27, 1953;
8:47 a. m.]

[File No. 811-236]

MAYFLOWER INVESTMENT TRUST

NOTICE OF APPLICATION FOR ORDER DECLARING COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

JULY 22, 1953.

In the matter of Mayflower Investment Trust (formerly "Shawmut Bank Investment Trust") File No. 811-236.

Notice is hereby given that Mayflower Investment Trust ("Mayflower"), of Boston, Massachusetts, a registered closed-end, diversified management investment company, has filed an application pursuant to section 8 (f) of the act for an order declaring that Mayflower has ceased to be an investment company under the act.

The application makes the following representation:

At May 28, 1953, Mayflower's assets consisted solely of cash in the amount of \$380,619.73 and its capitalization consisted of \$900,000 face-amount of 4 percent Junior Notes, due March 1, 1954, and 7,500 shares of Common Stock, without par value. No interest has been paid on the Junior Notes since 1937, unpaid accrued interest totaling \$819,000 at February 28, 1953. The Common Stock of Mayflower has had no value on a book basis for some years. The National Shawmut Bank of Boston (the "Bank"), is the Depository and Registrar under the trust and owns all the Junior Notes outstanding and 2,880 shares of Common Stock.

The Bank has received an offer from Sheraton Corporation of America ("Sheraton") the owner of 763.7 shares of Common Stock of Mayflower, in which Sheraton agrees to purchase the Junior Notes of Mayflower owned by the Bank for their asset value at the time of the transfer, to purchase the Common Stock of Mayflower owned by the Bank at \$2.00 per share, and to offer to purchase the remaining outstanding Common Stock of Mayflower from the holders thereof at the same price. This offer is subject to the conditions that (1) Mayflower obtain an order from this Commission prior to the consummation of the purchase, declaring that it is no longer an investment company subject to any requirements of or regulations under the Investment Company Act of 1940. and (2)

Mayflower's Declaration of Trust be amended to eliminate the requirement for the approval by the Executive Committee of the Bank of the remuneration paid the Trustees and of the appointment or removal of the Trustees of Mayflower.

The Declaration of Trust was amended in the above respects on May 25, 1953 and on that date the Trustees, with the assent of the holders of 71.87 percent of Mayflower's Common Stock, also voted to cease to be an investment company and not to engage in activities which would cause Mayflower to be an investment company as defined in section 3 of the act. The votes of the common stockholders of Mayflower were solicited on the basis of the Sheraton offer.

Sheraton, a New Jersey Corporation, is engaged principally in owning and operating, through subsidiaries, hotels in many cities in the United States and Canada. Sheraton made the foregoing offer and imposed the above conditions so that Sheraton may take over the management of Mayflower and in general acquire Mayflower for use in a business akin to that in which Sheraton is now engaging.

Mayflower requests the Commission to issue an order under section 8 (f) of the act finding and declaring that Mayflower has ceased to be an investment company and that its registration under the act is no longer in effect. Upon the issuance of such order, the Bank will transfer its Junior Notes and Common Stock of Mayflower to Sheraton, the Trustees of Mayflower will be replaced by persons designated by Sheraton and Sheraton will communicate directly with shareholders of Mayflower its offer to purchase their shares of Mayflower's Common Stock at \$2.00 per share.

Notice is further given that any interested person may, not later than July 31, 1953, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-6588; Filed, July 27, 1953;
8:47 a. m.]

PETER WALDEMAR

ORDER POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of July 1953.

In the matter of Peter Waldemar, 44 Wall Street, New York 5, New York.

The Commission having, by order of June 24, 1953, instituted proceedings in the above matter, pursuant to section 15 (b) of the Securities Exchange Act of 1934 and the commencement of the hearing in said proceedings being now scheduled for August 3, 1953;

Counsel for the Division of Trading and Exchanges having requested that the date for the commencement of the hearing be postponed; and

The Commission having duly considered the matter and being fully advised in the premises;

It is ordered, That the date for commencing the hearing be and the same hereby is postponed to September 21, 1953 at 10:00 a. m.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-6583; Filed, July 27, 1953;
8:46 a. m.]

[File No. 812-837]

EQUITY CORP. ET AL.

NOTICE OF FILING CONCERNING APPLICATION REQUESTING EXEMPTION FOR RECEIPT OF COMPENSATION BY AFFILIATE FROM CONTROLLED COMPANY OF REGISTERED INVESTMENT COMPANY

JULY 22, 1953.

In the matter of the Equity Corporation, American Wheelabrator & Equipment Corporation, Lehwood Corporation, Elmer A. Skonberg; File No. 812-837.

Notice is hereby given that the Equity Corporation ("Equity") New York, New York, a registered, closed-end, non-diversified investment company, has filed an application under section 6 (c) of the Investment Company Act of 1940 ("act") on behalf of a subsidiary company, American Wheelabrator & Equipment Corporation ("Wheelabrator") Mishawaka, Indiana, and Elmer A. Skonberg, Mishawaka, Indiana, for an exemption from the provisions of section 17 (e) (1) of the act with respect to the receipt by Skonberg from Wheelabrator of a commission in connection with the sale of certain property and assets of Wheelabrator as summarized below:

Equity owns approximately 90.13 percent of the voting stock of Wheelabrator. Wheelabrator, a Nebraska corporation, is engaged in the manufacture and sale of equipment used for cleaning machinery, and in the manufacture and sale of air-conditioning equipment. Prior to March 17, 1953, Wheelabrator, through its Northwest Baker Refrigeration Division, engaged in the sale, installation and servicing of a variety of commercial and industrial refrigeration, ice-making and air-conditioning systems in the Pacific Northwest section of the country.

Wheelabrator also owns 94.34 percent of Lehwood Corporation ("Lehwood") owner of three patents covering processes relating to the surface treatment of wood, lumber and plywood and engaged in the development of these processes by granting licenses and sub-licenses thereunder. Skonberg is the President, a director and employee of Lehwood and his principal activity has been the procuring of licenses for Lehwood's patents.

Following many unsuccessful attempts by the management of Wheelabrator to sell its Northwest Baker Refrigeration Division business and assets, Skonberg was retained to locate a suitable purchaser. After extensive efforts on the part of Skonberg sale of the Northwest Baker Refrigeration Division properties to non-affiliates was consummated on March 17, 1953, for a cash consideration of \$140,000. As a result of Skonberg's efforts, Wheelabrator proposes to pay him a fee of \$2,800, representing 2 percent of the sales price.

Equity states that the proposed commission to be paid Skonberg is entirely fair and reasonable in view of the extensive efforts of Skonberg, and that had it not been for his efforts the sale might not have been effected and certainly would have been delayed or consummated on less favorable terms. It is also represented that Skonberg is not an officer, director, or employee, or in any way connected with Wheelabrator or Equity, and does not receive any compensation from either of these companies.

Skonberg is an affiliated person of Lehwood and an affiliated person of an affiliated person of Equity within the meaning of the act. Hence, the receipt by Skonberg of the commission proposed to be paid him by Wheelabrator is prohibited by section 17 (e) (1) of the act, which makes it unlawful for any affiliated person of a registered investment company or any affiliated person of such person, acting as agent, to accept from any source compensation for the purchase and sale of any property to or for such registered company or any controlled company thereof, unless an exemption is granted pursuant to section 6 (c) of the act.

Notice is further given that any interested person may, not later than July 31, 1953, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-6587; Filed, July 27, 1953;
8:47 a. m.]

[File No. 70-3113]

INDIANA & MICHIGAN ELECTRIC Co.

NOTICE OF PROPOSED AMENDMENT TO ARTICLES OF ACCEPTANCE

JULY 22, 1953.

Notice is hereby given that Indiana & Michigan Electric Company ("Indiana"),

an Indiana public utility corporation which is a subsidiary of American Gas and Electric Company, a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("the act"), designating sections 6 and 7 of the act and Rule U-62 thereunder as applicable to the proposed transactions, which are summarized as follows:

In contemplation of future financing, and to bring its Articles of Acceptance into closer conformity with standards desirable in the case of new issues of preferred stock, Indiana proposes to amend Article 6 so as to strengthen various protective provisions applicable to its Cumulative Preferred Stock. The proposed amendment includes provisions restricting Common Stock dividends under stated conditions, and defining the conditions under which Cumulative Preferred Stock may be issued and the conditions under which holders of such stock may exercise voting rights and the extent of such rights.

The management of Indiana proposes to hold a special meeting of the shareholders on September 8, 1953 to vote on the proposed amendment, and prior thereto, to solicit proxies in favor of such amendment. Pursuant to Rule U-62, the management has submitted copies of its proposed letter of solicitation and accompanying documents, which include a copy of the proposed amendment. The affirmative votes of the holders of at least two-thirds of the 120,000 shares of Cumulative Preferred Stock and the affirmative votes of at least a majority of the 1,350,000 shares of Common Stock will be required to effect the amendment. The company has been informed that American Gas and Electric Company, which holds all of the Common Stock, intends to vote in favor of the proposal.

Indiana estimates its total expenses herein at \$5,440, of which \$3,840 is for legal services.

It is requested that the Commission's order herein become effective on or before August 4, 1953.

Notice is further given that any interested person may, not later than August 3, 1953, at 5:30 p. m., e. d. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-6589; Filed, July 27, 1953;
8:47 a. m.]