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TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

CONTENTS OF PROSPECTUSES USED AFTER 13 MONTHS

Purpose of amendment. Section 230.427 (Rule 427) under the Securities Act of 1933 provides that information contained in a prospectus used more than 13 months after the effective date of the registration statement shall include certified financial statements as of a date not more than 12 months prior to the use of the prospectus. This requirement has compelled the preparation of audited financial statements more than once a year in those cases where a continuous offering is involved requiring the use of a prospectus, subsequent to the expiration of the 13 months' period after the effective date of the registration statement, which meets the requirements of section 10 (b) (1) of the Securities Act.

The Commission has reconsidered the entire problem and has determined that it would not be inconsistent with the statutory standards to permit the use of unaudited financial information for a limited period pending the completion of the year end audit and the availability of certified financial statements.

Accordingly, the Commission has amended § 230.427. The existing requirement has been modified to permit the use of unaudited financial statements as of the latest practicable date, and certified financial statements as of the end of the preceding fiscal year, if the fiscal year of the registrant has ended within 90 days prior to the use of the prospectus. In such case certified financial statements as of the latest fiscal year, when available, must be substituted for the unaudited financial statements or added to the prospectus.

Statutory basis. This action is taken pursuant to the Securities Act of 1933, particularly sections 7, 10 and 19 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act.

Text of amendment:
Section 230.427 (Rule 427) is amended to read as follows:

§ 230.427 *Contents of prospectuses used after 13 months.* (a) There may be omitted from any prospectus used more than 13 months after the effective date of the registration statement any information previously required to be contained in the prospectus insofar as information covering the same subjects as of a date not more than 12 months prior to the use of the prospectus is contained therein.

(b) Every such prospectus shall contain the latest available certified financial statements as of a date not more than 12 months prior to its use except that, where the last fiscal year of the registrant has ended within 90 days prior to the use of the prospectus, the certified financial statements may be as of the end of the preceding fiscal year provided uncited financial statements as of the latest practicable date are included in the prospectus. If uncited financial statements are included in a prospectus pursuant to this rule, certified financial statements as of the end of the last fiscal year shall be substituted therefor or added to the prospectus when available.

(c) Twenty copies of every prospectus used more than 13 months after the effective date of the registration statement shall be filed with the Commission pursuant to § 230.424 (c).

The Commission finds that the foregoing amendment will operate to the advantage of issuers making continuous offerings of securities, that it is consistent with the interests of investors, and that notice and procedure in accordance with section 4 of the Administrative Procedure Act with respect to such amendment is not necessary.

The foregoing amendment, being one relieving a restriction, shall become effective immediately upon publication June 3, 1953.

(Sec. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s. Interpret or apply secs 7, 10, 48 stat. 78, 81; 15 U. S. C. 77g, 77j)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JUNE 3, 1953.

[F. R. Doc. 53-5131; Filed, June 9, 1953; 8:49 a. m.]

CONTENTS

	Page
Agriculture Department	
See also Animal Industry Bureau.	
Notices:	
Vesicular exanthema, disease of swine; declaration and statement of policy.....	3298
Animal Industry Bureau	
Proposed rule making:	
Viruses, serums, toxins, and analogous products and certain organisms and vectors....	3296
Civil Aeronautics Board	
Notices:	
Hearings:	
Accident occurring near Marshall, Tex.....	3299
Trans-Pacific certificate renewal case.....	3299
Defense Electric Power Administration	
Rules and regulations:	
Nonutility electric power projects; information to be filed; revocation (EO-3).....	3294
Economic Stabilization Agency	
See Rent Stabilization Office.	
Federal Communications Commission	
Notices:	
Dominican Republic Broadcast Stations; list of changes in assignments.....	3300
Southern Television, Inc., et al.; continuation of hearing.....	3299
Proposed rule making:	
Standards of good engineering practice concerning standard broadcast stations; extension of time for filing comments.....	3293
Rules and regulations:	
Uniform system of accounts, Class A & B Telephone Companies; editorial changes....	3295
Federal Power Commission	
Notices:	
Hearings, etc.:	
City of Pasadena, Calif.....	3300
Community Public Service Co. El Paso Natural Gas Co. and East Tennessee Natural Gas Co.....	3300
Iowa Public Service Co.....	3300
Mississippi River Fuel Corp....	3300

FEDERAL REGISTER

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(For use during 1953)

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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 9 (\$0.40); Titles 10-13 (\$0.40); 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); Titles 28-29 (\$1.00); Titles 30-31 (\$0.65); Title 39 (\$1.00); Titles 40-42 (\$0.45); Title 49: Parts 1-70 (\$0.50), Parts 71-90 (\$0.45), Parts 91-164 (\$0.40)

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

CONTENTS—Continued

Federal Power Commission—Continued	Page
Notices—Continued	
Hearings, etc.—Continued	
Power Authority of the State of New York and Public Power and Water Corp.	3300
Home Loan Bank Board	
Rules and regulations:	
Operations:	
Lifting restrictions on lending beyond 50 miles	3289
Providing for purchase of insured loans beyond regular lending area	3289
Housing and Home Finance Agency	
See Home Loan Bank Board.	
Interior Department	
See Defense Electric Power Administration.	
Labor Department	
See Wage and Hour Division.	
Rent Stabilization Office	
Rules and regulations:	
Howard County Defense-Rental Area, Texas:	
Hotels	3294
Housing	3294
Motor courts	3294
Rooms	3294
Securities and Exchange Commission	
Notices:	
Hearings, etc.:	
Amesbury Electric Light Co. et al.	3301
Columbia Gas System, Inc., and United Fuel Gas Co.	3302
New Jersey Power & Light Co.	3301
Rules and regulations:	
Securities Act of 1933; contents of prospectuses used after 13 months	3287
Small Defense Plants Administration	
Notices:	
Additional companies accepting request to participate in operations of Wisconsin Manufacturers Defense Pool, Inc., of Milwaukee, Wis.	3302
State Department	
Rules and regulations:	
Certificates of authentication	3288
Definitions	3288
Examinations for appointment of Foreign Service Officers	3288
Personnel	3288
Veterans' Administration	
Rules and regulations:	
Vocational rehabilitation and education; Veterans' Readjustment Assistance Act 1952; miscellaneous amendments	3294
Wage and Hour Division	
Notices:	
Learner employment certificates; issuance to various industries	3298
Rules and regulations:	
Learners, employment of:	
Glove industry	3292
Student	3290

CONTENTS—Continued

Wage and Hour Division—Con.	Page
Rules and regulations—Con.	
Overtime compensation; bonuses; benefit plans	3293
Requirements of a "bona fide profit sharing plan or trust"	3292

CODIFICATION GUIDE

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

Title 9	
Chapter I:	
Part 112 (proposed)	3296
Part 114 (proposed)	3296
Part 117 (proposed)	3296
Part 119 (proposed)	3296
Title 17	
Chapter II:	
Part 230	3287
Title 22	
Chapter I:	
Part 1	3288
Part 100	3288
Part 101	3288
Part 105	3288
Title 24	
Chapter I:	
Part 145	3289
Part 163	3289
Title 29	
Chapter V:	
Part 520	3290
Part 522	3292
Part 549	3292
Part 778	3293
Title 32A	
Chapter XI (DEPA):	
EO-3	3294
Chapter XXI (ORS):	
RR 1	3294
RR 2	3294
RR 3	3294
RR 4	3294
Title 38	
Chapter I:	
Part 21	3294
Title 47	
Chapter I:	
Part 3 (proposed)	3298
Part 31	3295

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.187]

PART 1—CERTIFICATES OF AUTHENTICATION
PART 100—EXAMINATIONS FOR THE APPOINTMENT OF FOREIGN SERVICE OFFICERS
PART 101—DEFINITIONS
PART 105—PERSONNEL
MISCELLANEOUS AMENDMENTS

JUNE 3, 1953.

Chapter I, Title 22 of the Code of Federal Regulations, is amended as follows under authority of section 4 of the act of May 26, 1949 (63 Stat. 111; 5 U. S. C. 151c) and section 302 of the act of Au-

August 13, 1946 (60 Stat. 1001; 22 U. S. C. 842):

1. Parts 1 and 101 of Title 22 on "Certificates of Authentication" and "Definitions", respectively, § 105.2 *Assignment and commissioning of attaches*, § 105.3 *Duties of attaches*, § 100.9 *Examinations for appointment to Class 5*, and § 100.10 *Examinations for appointment to Class 1-4*, inclusive are withdrawn from publication. Publication of these regulations is not required by law or by regulations prescribed under authority of law.

2. Section 100.8 is amended as follows:

§ 100.8 *Examinations for appointment to Class 6*. (a) Candidates for appointment as Foreign Service officer, Class 6, in order to establish their eligibility, must pass competitive written and oral examinations and a physical examination.

(b) Candidates must be at least 20 and under 31 years of age as of the first of July in the year in which the written examination is taken.

(c) A candidate must attain a weighted average grade of 70 or higher in the four general examinations, the special examination in economics and the special examination in history and government, and also attain a grade of 70 or higher in the special examination in modern languages in order to be permitted to proceed immediately to the oral examination.

(d) A candidate who attains a weighted average grade of 70 or higher but who fails to attain a grade of 70 or higher in the special examination in modern languages, will be given an opportunity to take a reexamination in modern languages on a date in the subsequent April to be fixed from year to year by the Board. A candidate in this category who wishes to pursue his interest in appointment as Foreign Service officer, Class 6, must take this reexamination. Failure to do so will end his candidacy. If he passes this reexamination, he may then proceed to the oral examination, and if successful in the oral examination and the subsequent physical examination, will be offered appointment as Foreign Service officer, Class 6.

(e) A candidate who fails to attain a grade of 70 or higher in the reexamination in modern languages may also proceed to the oral examination. If successful in the oral examination and the subsequent physical examination, he will qualify for appointment on the condition that, beginning with the first written examination given following his first six months of service, he will be required to take the semi-annual examination in modern languages until he attains a passing grade in that examination. However, if after three attempts he has failed to attain a passing grade in the written examination in modern languages, he will be separated from the Service.

(f) Candidates appearing for the oral examination will be adjudged "Passed with Distinction", "Passed", "Deferred", or "Failed".

(g) Candidates adjudged "Passed with Distinction" or "Passed" will be eligible for the physical examination.

(h) Candidates who pass the physical examination will be certified as eligible for appointment at a salary level commensurate with their age, their experience, and qualifications.

(i) Candidates adjudged "Deferred" may take another oral examination after the expiration of 1 year and before the expiration of 2 years. The interval of 1 year between oral examinations may, in exceptional cases for reasons of convenience, be reduced.

(Sec. 212, 60 Stat. 1001; 22 U. S. C. 827)

For the Secretary of State.

SCOTT McLEOD,
Administrator, Bureau of
Security and Consular Affairs.

[F. R. Doc. 53-4312; Filed, June 9, 1953;
8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter C—Federal Savings and Loan System [No. 6144]

PART 145—OPERATIONS

PROVIDING FOR PURCHASE OF INSURED LOANS BEYOND REGULAR LENDING AREA

JUNE 4, 1953.

Resolved that, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108), and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), notice and public procedure having been duly afforded (17 F. R. 8708), the rules and regulations for the Federal Savings and Loan System (24 CFR, Chapter I (C)) are hereby amended, effective June 10, 1953, as follows:

1. Section 145.6-5 *Purchase of loans* is amended to read as follows:

§ 145.6-5 *Purchase of loans*. Any Federal association may purchase loans of any type that it may make; it may also purchase any insured loan secured by a home or combination of home and business property located outside of its regular lending area, at an investment of not more than \$20,000: *Provided*, That no loan may be purchased from an affiliated institution without the prior approval of the Board, or from a director, officer or employee of such association, or from any person or firm regularly serving such association in the capacity of attorney-at-law: *And provided further*, That if such an association increases its savings accounts as a part of any such purchase it shall obtain such approval as is required by the rules and regulations for insurance of accounts.

2. The proviso appearing at the end of § 145.6-7 *Real estate loans and investments subject to 15 percent of assets limitation* is amended to read as follows: "*Provided*, That any guaranteed loan, at least 20 percent of which is guaranteed,

made by any Federal association that has amended Charter K by the addition thereto of section 14.1, or by any Federal association which has a Charter in any other form not inconsistent with the provisions of §§ 145.6 to 145.6-13 and any insured loan purchased by any such Federal association secured by a home or combination of home and business property outside of its regular lending area at an investment of not more than \$20,000, is exempt from the limitations of this section."

Resolved further, that these amendments serving to relieve a restriction for the purpose of conforming upon the lending powers of Federal savings and loan associations, no reason exists for the deferment of its effective date under the provisions of section 4 of the Administrative Procedure Act and the amendments shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 4, 5, 48 Stat. 129, 132, as amended, Reorg. Plan No. 3, 1947, 12 F. R. 4981, 3 CFR, 1947 Supp., 61 Stat. 954; 12 U. S. C. 1463, 1464, 5 U. S. C. 133y-16 note)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 53-5145; Filed, June 9, 1953;
8:51 a. m.]

Subchapter D—Federal Savings and Loan Insurance Corporation [No. 6145]

PART 163—OPERATIONS

LIFTING RESTRICTIONS ON LENDING BEYOND FIFTY MILES

JUNE 4, 1953.

Resolved that, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108), and § 167.1 of the rules and regulations for Insurance of Accounts (24 CFR 167.1), notice and public procedure having been duly afforded (17 F. R. 5255, 5258), paragraph (b) of § 163.9 of the rules and regulations for Insurance of Accounts (24 CFR 163.9) is hereby amended, effective June 10, 1953, to read as follows:

§ 163.9 *Loans and investments; general powers*. * * *

(b) Any insured institution may, to the extent it has legal power to do so and without approval of the Corporation:

(1) Purchase any loan secured by a first lien on a home or a combination home and business property which is used in part for business purposes and in part for bona fide residential purposes for not more than four families, located in other territory more than 50 miles from its principal office; and

(2) Make, or invest its funds in, loans secured by real estate located in other territory more than 50, but not more than 100, miles from its principal office: *Provided*, That, the total amount so invested under this subparagraph (2) shall not exceed fifteen percent of its assets:

Provided, That as to each loan made or otherwise acquired under this para-

graph, such insured institution will be protected by insurance as provided in the National Housing Act or the Servicemen's Readjustment Act of 1944, as now or hereafter amended.

Resolved further, that this amendment serving to relieve a restriction upon the lending powers of institutions insured by the Federal Savings and Loan Insurance Corporation, no reason exists for the deferment of its effective date under the provisions of section 4 of the Administrative Procedure Act and the amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 402, 48 Stat. 1256, as amended, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR 1947 Supp., 61 Stat. 954; 12 U. S. C. 1725, 5 U. S. C. 133y-16 note. Interprets or applies secs. 403, 404, 48 Stat. 1257, as amended, 1258, as amended; 12 U. S. C. 1726, 1727)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 53-5146; Filed, June 9, 1953;
8:52 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 520—EMPLOYMENT OF STUDENT LEARNERS

On April 25, 1953 (18 F. R. 2447), a proposed revision of the regulations contained in this part was published in the FEDERAL REGISTER. Interested persons were given 30 days to submit data, views or arguments pertaining to such revision.

After careful consideration of the comments received, I have concluded that the following changes in the proposed revision are appropriate:

1. Section 520.5 (d) should be amended.
2. A new paragraph, to be designated (1), should be added to § 520.5.
3. Section 520.6 (c) (2) (ii) should be changed.
4. Section 520.6 (f) should be changed.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), the revision of this part set forth in the FEDERAL REGISTER of April 25, 1953 (18 F. R. 2447), as modified by the changes indicated above, is hereby adopted. Such revision shall become effective on July 13, 1953.

Signed at Washington, D. C., this 4th day of June 1953.

WM. R. McCOMB,
Administrator,
Wage and Hour Division.

- Sec.
- 520.1 Applicability of the regulations contained in this part.
 - 520.2 Definitions.
 - 520.3 Application for a special student-learner certificate.
 - 520.4 Procedure for action upon application.
 - 520.5 Conditions governing issuance of special student-learner certificates.

- Sec.
- 520.6 Terms and conditions of employment under special student-learner certificates.
 - 520.7 Employment records to be kept.
 - 520.8 Amendment or withdrawal of a special student-learner certificate.
 - 520.9 Cancellation of a special student-learner certificate.
 - 520.10 Reconsideration and review.
 - 520.11 Amendment to the regulations in this part.

AUTHORITY: §§ 520.1 to 520.11 issued under sec. 14, 52 Stat. 1063, as amended; 29 U. S. C. 214.

§ 520.1 *Applicability of the regulations contained in this part.* The regulations contained in this part are issued in accordance with section 14 of the Fair Labor Standards Act of 1938, as amended, to provide for the employment under special certificates of student-learners at wages lower than the minimum wage applicable under section 6 of the act. Such certificates shall be subject to the terms and conditions hereinafter set forth.

§ 520.2 *Definitions.* As used in the regulations contained in this part:

(a) A "student-learner" is a student who is receiving instruction in an accredited school, college or university and who is employed on a part-time basis, pursuant to a bona fide vocational training program.

(b) A "bona fide vocational training program" is one authorized and approved by a State board of vocational education or other recognized educational body and provides for part-time employment training which may be scheduled for a part of the work day or work week, for alternating weeks or for other limited periods during the year, supplemented by and integrated with a definitely organized plan of instruction designed to teach technical knowledge and related industrial information given as a regular part of the student-learner's course by an accredited school, college, or university.

§ 520.3 *Application for a special student-learner certificate.* (a) Whenever the employment of a student-learner at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, is believed necessary to prevent curtailment of opportunities for employment, an application for a special certificate authorizing the employment of such student-learner at subminimum wages may be filed with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D. C. Such application shall be filed by the employer. A copy of such application shall be filed simultaneously by the employer with the appropriate Regional or Territorial Office of these Divisions.

(b) Application must be made on the official form furnished by these Divisions and must be signed by the employer, the appropriate school official and the student-learner. The application must contain all information required by such form, including among other things, a statement clearly outlining the voca-

tional training program and showing, particularly, the processes in which the student-learner will be engaged when in training on the job; a statement clearly outlining the school instruction directly related to the job; the total number of workers employed in the establishment; the number and hourly wage rate of experienced workers employed in the occupation in which the student-learner is to be trained; the hourly wage rate or progressive wage schedule which the employer proposes to pay the student-learner; data regarding the age of the student-learner; the period of employment training at subminimum wages; the number of hours of employment training a week; the number of hours of school instruction a week; and a certification by the appropriate school official that the student named therein will be receiving instruction in an accredited school, college or university and will be employed pursuant to a bona fide vocational training program, as defined in § 520.2 (b).

§ 520.4 *Procedure for action upon application.* (a) Upon receipt of an application for the employment of a student-learner, the Administrator or his authorized representative shall issue a special certificate or deny the application or, in appropriate circumstances, provide an opportunity to interested parties to present their views on the application prior to granting or denying a special student-learner certificate.

(b) If a special certificate is issued it shall be mailed to the employer. If a special certificate is denied, notice of such denial shall be mailed to the employer and such denial shall be without prejudice to any subsequent application, except under the circumstances referred to in § 520.6 (c) (2) (iii). Two copies of the certificate or notice of denial shall be mailed to the appropriate school official, one of which shall be retained for his records and the other shall be presented to the student-learner.

§ 520.5 *Conditions governing issuance of special student-learner certificates.* The following conditions must be satisfied before a special certificate may be issued authorizing the employment of a student-learner at subminimum wages:

(a) Any training program under which the student-learner will be employed must be a bona fide vocational training program as defined in § 520.2;

(b) The employment of the student-learner at subminimum wages authorized by the special certificate must be necessary to prevent curtailment of opportunities for employment;

(c) The student-learner must be at least sixteen years of age (or older as may be required pursuant to paragraph (d) of this section);

(d) The student-learner must be at least 18 years of age if he is to be employed in any occupation declared to be particularly hazardous by order of the Secretary of Labor pursuant to the Fair Labor Standards Act of 1938, as amended;

(e) The occupation for which the student-learner is receiving preparatory training must require a sufficient degree

of skill to necessitate a substantial learning period;

(f) The training must not be for the purpose of acquiring manual dexterity and high production speed in repetitive operations;

(g) The employment of a student-learner must not have the effect of displacing a worker employed in the establishment;

(h) The employment of the student-learners at subminimum wages must not tend to impair or depress the wage rates or working standards established for experienced workers for work of a like or comparable character;

(i) The occupational needs of the community or industry warrant the training of student-learners;

(j) There have been no serious violations of the provisions of a student-learner certificate previously issued to the employer, or serious violations of any other provisions of the Fair Labor Standards Act of 1938, as amended, by the employer which provide reasonable grounds to conclude that the terms of the certificate would not be complied with, if issued;

(k) The issuance of such a certificate would not tend to prevent the development of apprenticeship in accordance with the regulations applicable thereto (Part 521 of this chapter) or would not impair established apprenticeship standards in the occupation or industry involved.

(l) The number of student-learners to be employed in one establishment must not be more than a small proportion of its working force.

§ 520.6 *Terms and conditions of employment under special student-learner certificates.* (a) The special student-learner certificate, if issued, shall specify, among other things, (1) the name of the student-learner, (2) the name and address of the employer, (3) the name of the school which provides the related school instruction, (4) the occupation in which the student is to be trained, (5) the maximum number of hours of employment training in any one week at a specified subminimum wage rate or rates, and (6) the effective and expiration dates of the certificate.

(b) The subminimum wage rate shall be not less than 60 cents an hour, or the progressive wage schedule shall average not less than 60 cents an hour over the entire period covered by the certificate: *Provided, however,* That the minimum starting rate in such progressive wage schedule shall be not less than 55 cents an hour: *And provided further,* That the subminimum wage rate for student-learners employed in Puerto Rico or the Virgin Islands shall be not less than 75 percent of the applicable minimum fixed in a wage order issued under the Fair Labor Standards Act, or the progressive wage schedule shall average not less than 75 percent of such applicable minimum over the entire period covered by the certificate.

(c) (1) No special student-learner certificate may be issued retroactively.

(2) The certification by the appropriate school official on an application for a special student-learner certificate au-

thorizing the employment of a student-learner at subminimum wages (see § 520.3 (b)) shall constitute a temporary authorization for the employment of a student-learner at less than the statutory minimum wage, effective from the date such application is forwarded to the Divisions in conformance with § 520.3, until a special student-learner certificate is issued or denied by the Administrator or his authorized representative: *Provided,* That the following conditions are satisfied: (i) The application must be properly executed in conformance with § 520.3; (ii) the employment training must conform with the provisions of § 520.5 (a), (c), (d), and (g), and § 520.6 (b) and (d); and (iii) the occupation must not be one for which a student-learner application was previously submitted by the employer, and a special certificate was denied by the Administrator or his authorized representative.

(d) (1) The number of hours of employment training each week at subminimum wages pursuant to a certificate, when added to the hours of school instruction, shall not exceed 40 hours, except that authorization may be granted by the Administrator or his authorized representative for a greater number of hours if found to be justified by extraordinary circumstances.

(2) When school is not in session on any school day, the student-learner may work a number of hours in addition to the weekly hours of employment training authorized by the certificate: *Provided, however,* That the total hours worked shall not exceed 8 hours on any such day. A notation shall be made in the employer's records to the effect that school not being in session was the reason additional hours were worked on such day.

(3) During the school term, when school is not in session for the entire week, the student-learner may work at his employment training a number of hours in the week in addition to those authorized by the certificate: *Provided, however,* That the total hours shall not exceed 40 hours in any such week. A notation shall be made in the employer's records to the effect that school not being in session was the reason additional hours were worked in such week.

(e) A special student-learner certificate shall not constitute authorization to pay a subminimum wage rate to a student-learner in any week in which he is employed for a number of hours in addition to the number authorized in the certificate, except as provided in paragraph (d) (1), (2) and (3) of this section.

(f) A special student-learner certificate may be issued for a period not to exceed the length of one school year unless a longer period is found to be justified by extraordinary circumstances. No certificate shall authorize employment training beyond the date of graduation.

(g) No provision of the regulations contained in this part, or of any certificate issued pursuant thereto, shall excuse noncompliance with higher standards applicable to student-learners which may be established under any other Fed-

eral law, or any State law, municipal ordinance or trade-union agreement.

§ 520.7 *Employment records to be kept.* In addition to any other records required under the record-keeping regulations (Part 516 of this chapter) the employer shall keep the following records specifically relating to student-learners employed at subminimum wage rates:

(a) Any worker employed as a student-learner shall be identified as such on the payroll records, with each student-learner's occupation and rate of pay being shown;

(b) The employer's copy of the application, which is serving as a temporary authorization under § 520.6 (c) (2), must be available at all times for inspection for a period of 3 years from the last date of employment of the student-learner;

(c) Notations should be made in the employer's records when additional hours are worked by reason of school not being in session as provided in § 520.6 (d) (2) and (3).

§ 520.8 *Amendment or withdrawal of a special student-learner certificate.* A special student-learner certificate may be amended or withdrawn for cause, including a change in the conditions of employment training or school instruction, upon motion of the Administrator or upon written request of any interested person.

§ 520.9 *Cancellation of a special student-learner certificate.* (a) The Administrator or his authorized representative may cancel any special student-learner certificate for cause. Except in cases of willfulness or those in which the public interest requires otherwise, before any special student-learner certificate is cancelled facts or conduct which may warrant such action shall be called to the attention of the employer and he shall be afforded an opportunity to achieve or demonstrate compliance.

(b) No order cancelling any special certificate shall take effect until the expiration of the time allowed for requesting reconsideration or review under § 520.10, and, if a petition for reconsideration or review is filed, the effective date of the cancellation order shall be postponed until action is taken thereon: *Provided, however,* That if the cancellation order is affirmed the employer shall reimburse any person employed under a special certificate which has been cancelled in an amount equal to the difference between the statutory minimum wage applicable under section 6 of the act and any lower wage paid such person subsequent to the cancellation date indicated in the original cancellation notice addressed to the employer.

§ 520.10 *Reconsideration and review.*

(a) Any person aggrieved by the action of an authorized representative of the Administrator in denying, granting, or cancelling a special student-learner certificate may, within 15 days after such action, (1) file a written request for reconsideration thereof by the authorized representative of the Administrator who made the decision in the first instance, or (2) file a written request for review of the decision by the Adminis-

trator or an authorized representative who has taken no part in the action which is the subject of review.

(b) A request for reconsideration shall be granted where the applicant shows that there is additional evidence which may materially affect the decision and that there were reasonable grounds for failure to adduce such evidence in the original proceedings.

(c) Any person aggrieved by the action of an authorized representative of the Administrator in denying a request for reconsideration may, within 15 days thereafter, file a written request for review.

(d) Any person aggrieved by the reconsidered determination of an authorized representative of the Administrator may within 15 days after such determination, file a written request for review.

(e) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(f) If a request for reconsideration or review is granted, all interested persons shall be afforded an opportunity to present their views.

§ 520.11 *Amendment to the regulations in this part.* The Administrator may at any time upon his own motion or upon written request of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of the regulations contained in this part.

[F. R. Doc. 53-5119; Filed, June 9, 1953; 8:46 a. m.]

PART 522—EMPLOYMENT OF LEARNERS GLOVE INDUSTRY

On May 1, 1953 (18 F. R. 2556), proposed amendments to the regulations governing the employment of learners in the glove industry were published in the FEDERAL REGISTER. Interested persons were given an opportunity to submit data, views or arguments pertaining thereto.

After careful consideration of all the comments received, I have concluded that no changes in the proposed amendments are required. Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended, §§ 522.221 and 522.224 (a) are hereby revised to read as set forth in the FEDERAL REGISTER of May 1, 1953 (18 F. R. 2556), and as set forth below.

The revisions shall become effective July 13, 1953.

Signed at Washington, D. C., this 4th day of June 1953.

WM. R. McCOMB,
Administrator,
Wage and Hour Division.

1. Section 522.221 is revised to read as follows:

§ 522.221 *Definition of the glove industry and its branches.* (a) For purposes of §§ 522.220 to 522.231, the glove

industry consists of the following four branches:

(1) *Leather glove branch.* This branch includes the manufacture of dress, semi-dress, and work gloves made entirely from leather.

(2) *Woven or knit fabric glove branch.* This branch includes the manufacture of dress or semi-dress gloves from woven or knit fabrics, or combinations of such fabrics with leather.

(3) *Knitted glove branch.* This branch includes the manufacture by machine knitting of gloves and mittens from all types of yarn.

(4) *Work glove branch.* This branch includes the manufacture of work gloves from any type of fabric or combination of fabric and leather.

2. Section 522.224 (a) is revised to read as follows:

§ 522.224 *Subminimum rates.* (a) The subminimum rates which may be authorized in special certificates issued in the glove industry shall be not less than 65 cents an hour for the first 320 hours and 70 cents for the remaining 160 hours in the leather glove, woven or knit fabric glove and knitted glove branches of this industry, as set forth in § 522.221 (a) (1), (2), and (3); and not less than 63 cents an hour for the first 320 hours and 68 cents an hour for the remaining 160 hours in the work glove branch of this industry, as set forth in § 522.221 (a) (4).

(Sec. 14, 52 Stat. 1068; 29 U. S. C. 214)

[F. R. Doc. 53-5118; Filed, June 9, 1953; 8:46 a. m.]

PART 549—REQUIREMENTS OF A "BONA FIDE PROFIT-SHARING PLAN OR TRUST"

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended, this part is hereby revised to read as set forth below, effective thirty days from the date of publication of this document in the FEDERAL REGISTER.

Sec.

549.0 Scope and effect of regulations.

549.1 Essential requirements for qualification.

549.2 Disqualifying provisions.

549.3 Distinction between plan and trust.

549.4 Petition for amendment of regulations.

AUTHORITY: §§ 549.0 to 549.4 issued under 52 Stat. 1060, as amended; 29 U. S. C. 201-219.

§ 549.0 *Scope and effect of regulations.* (a) The regulations in this part set forth the requirements of a "bona fide profit-sharing plan or trust" under section 7 (d) (3) (b) of the Fair Labor Standards Act of 1938, as amended, (hereinafter called the act). In determining the total remuneration for employment which section 7 (d) of the act requires to be included in the regular rate at which an employee is employed, it is not necessary to include any sums paid to or on behalf of such employee, in recognition of services performed by him during a given period, which are paid pursuant to a bona fide profit-sharing plan or trust meeting the requirements set forth herein. In the formulation of these regulations due re-

gard has been given to the factors and standards set forth in section 7 (d) (3) (b) of the act.

(b) The inclusion or exclusion from the regular rate of contributions made by an employer pursuant to any plan or trust for providing old age, retirement, life, accident or health insurance or similar benefits for employees (regardless of whether the plan or trust is financed out of profits) is governed by section 7 (d) (4) of the act, the requirements of which are set forth in the Interpretative Bulletin on Overtime Compensation, Part 778, of this chapter, § 778.6 (g). However, where such a plan or trust is combined in a single program (whether in one or more documents) with a plan or trust for providing profit-sharing payments to employees, the profit-sharing payments may be excluded from the regular rate if they meet the requirements of the regulations in this part and the contributions made by the employer for providing the benefits described in section 7 (d) (4) of the act may be excluded from the regular rate if they meet the tests set forth in the Interpretative Bulletin, Part 778, of this chapter, § 778.6 (g).

§ 549.1 *Essential requirements for qualifications.* (a) A bona fide profit-sharing plan or trust for purposes of section 7 (d) (3) (b) of the act is required to meet all of the standards set forth in paragraphs (b) through (g) of this section and must not contain any of the disqualifying provisions set forth in § 549.2.

(b) The profit-sharing plan or trust constitutes a definite program or arrangement in writing, communicated or made available to the employees, which is established and maintained in good faith for the purpose of distributing to the employees a share of profits as additional remuneration over and above the wages or salaries paid to employees which wages or salaries are not dependent upon or influenced by the existence of such profit-sharing plan or trust or the amount of the payments made pursuant thereto.

(c) All contributions or allocations by the employer to the fund or trust to be distributed to the employees are:

(1) Derived solely from profits of the employer's business, enterprise, establishment or plant as a whole, or an established branch or division of the business or enterprise which is recognized as such for general business purposes and for which profits are separately and regularly calculated in accordance with accepted accounting practice; and

(2) Made periodically, but not more frequently than is customary or consonant with accepted accounting practice to make periodic determinations of profit.

(d) Eligibility to share in profits extends:

(1) At least to all employees who are subject to the minimum wage and overtime provisions of the act, or to all such employees in an established part of the employer's business as described in paragraph (c) of this section: *Provided, however, That such eligibility may be determined by factors such as length of*

service or minimum schedule of hours or days of work which are specified in the plan or trust, and further, that eligibility need not extend to officers of the employer; or

(2) To such classifications of employees as the employer may designate with the approval of the Administrator upon a finding, after notice to interested persons, including employee representatives, and an opportunity to present their views either orally or in writing, that it is in accord with the meaning and intent of the provisions of section 7 (d) (3) (b) of the act and this part. The Administrator may give such notice by requiring the employer to post a notice approved by the Administrator for a specified period in a place or places where notices to employees are customarily posted or at such other place or places designated by the Administrator, or he may require notice to be given in such other manner as he deems appropriate.

(e) The amounts paid to individual employees are determined in accordance with a definite formula or method of calculation specified in the plan or trust. The formula or method of calculation may be based on any one or more of such factors as straight-time earnings, total earnings, base rate of pay of the employee, straight-time hours, or total hours worked by employees, or length of service, or distribution may be made on a per capita basis.

(f) An employee's total share determined in accordance with paragraph (e) of this section may not be diminished because of any other remuneration received by him.

(g) Provision is made either for payment to the individual employees of their respective shares of profits within a reasonable period after the determination of the amount of profits to be distributed, or for the irrevocable deposit by the employer of his employees' distributive shares of profits with a trustee for deferred distribution to such employees of their respective shares after a stated period of time or upon the occurrence of appropriate contingencies specified in the plan or trust: *Provided, however, That the right of an employee to receive his share is not made dependent upon his continuing in the employ of the employer after the period for which the determination of profits has been made.*

§ 549.2 Disqualifying provisions. No plan or trust which contains any one of the following provisions shall be deemed to meet the requirements of a bona fide profit-sharing plan or trust under section 7 (d) (3) (b) of the act:

(a) If the share of any individual employee is determined in substance on the basis of attendance, quality or quantity of work, rate of production, or efficiency;

(b) If the amount to be paid periodically by the employer into the fund or trust to be distributed to the employees is a fixed sum;

(c) If periodic payments of minimum amounts to the employees are guaranteed by the employer;

(d) If any individual employee's share, by the terms of the plan or trust, is set

at a predetermined fixed sum or is so limited as to provide in effect for the payment of a fixed sum, or is limited to or set at a predetermined specified rate per hour or other unit of work or work-time;

(e) If the employer's contributions or allocations to the fund or trust to be distributed to the employees are based on factors other than profits such as hours of work, production, efficiency, sales or savings in cost.

§ 549.3 Distinction between plan and trust. As used in this part:

(a) "Profit-sharing plan" means any such program or arrangement as qualifies hereunder which provides for the distribution by the employer to his employees of their respective shares of profits;

(b) "Profit-sharing trust" means any such program or arrangement as qualifies under this part which provides for the irrevocable deposit by the employer of his employees' distributive shares of profits with a trustee for deferred distribution to such employees of their respective shares.

§ 549.4 Petition for amendment of regulations. Any person wishing a revision of any of the terms of the foregoing regulations in this part may submit in writing to the Administrator a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator believes that reasonable cause for amendment of the regulations in this part is set forth, the Administrator will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views in support of or in opposition to the proposed changes.

Signed at Washington, D. C., this 3d day of June 1953.

WM. R. McCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 53-5121; Filed, June 9, 1953;
8:46 a. m.]

PART 778—OVERTIME COMPENSATION

BONUSES; BENEFIT PLANS

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended, § 778.6 (g) of this part is hereby revised to read as follows, effective upon publication of this document in the FEDERAL REGISTER:

§ 778.6 Bonuses—* * *

(g) *Benefit plans; including profit-sharing plans or trusts providing similar benefits.* (1) Section 7 (d) (4) of the act provides that the term "regular rate" shall not be deemed to include:

contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old age, retirement, life, accident, or health insurance or similar benefits for employees * * *.

Such sums may not, however, be credited toward overtime compensation due under the act.

(2) Plans for providing benefits of the kinds described in section 7 (d) (4) are referred to herein as "benefit plans." It is section 7 (d) (4) which governs the status for regular rate purposes of any contributions made by an employer pursuant to a plan for providing the described benefits. This is true irrespective of any other features the plan may have. Thus, it makes no difference whether or not the benefit plan is one financed out of profits or one which by matching employee contributions or otherwise encourages thrift or savings. Where such a plan or trust is combined in a single program (whether in one or more documents) with a plan or trust for providing profit-sharing payments to employees, the profit-sharing payments may be excluded from the regular rate if they meet the requirements of the Profit-Sharing Regulations, Part 549 of this chapter, and the contributions made by the employer for providing the benefits described in section 7 (d) (4) of the act may be excluded from the regular rate if they meet the tests set forth in this paragraph.

(3) In order for an employer's contribution to qualify for exclusion from the regular rate under section 7 (d) (4) the following conditions must be met:

(i) The contributions must be made pursuant to a specific plan or program adopted by the employer, or by contract as a result of collective bargaining, and communicated to the employees. This may be either a company-financed plan or an employer-employee contributory plan.

(ii) The primary purpose of the plan must be to provide systematically for the payment of benefits to employees on account of death, disability, advanced age, retirement, illness, medical expenses, hospitalization, and the like.

(iii) In the plan or trust, either:

(a) The benefits must be specified or definitely determinable on an actuarial basis; or

(b) There must be both a definite formula for determining the amount to be contributed by the employer and a definite formula for determining the benefits for each of the employees participating in the plan; or

(c) There must be both a formula for determining the amount to be contributed by the employer and a provision for determining the individual benefits by a method which is consistent with the purposes of the plan or trust under section 7 (d) (4) of the act.

(iv) The employer's contributions must be paid irrevocably to a trustee or third person pursuant to an insurance agreement, trust or other funded arrangement. The trustee must assume the usual fiduciary responsibilities imposed upon trustees by applicable law. The trust or fund must be set up in such a way that in no event will the employer be able to recapture any of the contributions paid in nor in any way divert the

funds to his own use or benefit.^{77a} Although an employer's contributions made to a trustee or third person pursuant to a benefit plan must be irrevocably made, this does not prevent return to the employer of sums which he has paid in excess of the contributions actually called for by the plan, as where such excess payments result from error or from the necessity of making payments to cover the estimated cost of contributions at a time when the exact amount of the necessary contributions under the plan is not yet ascertained. For example, a benefit plan may provide for definite insurance benefits for employees in the event of the happening of a specified contingency such as death, sickness, accident, etc., and may provide that the cost of such definite benefits, either in full or any balance in excess of specified employee contributions, will be borne by the employer. In such a case the return by the insurance company to the employer of sums paid by him in excess of the amount required to provide the benefits which, under the plan, are to be provided through contributions by the employer, will not be deemed a recapture or diversion by the employer of contributions made pursuant to the plan.

(v) The plan must not give an employee the right to assign his benefits under the plan nor the option to receive any part of the employer's contributions in cash instead of the benefits under the plan: *Provided, however*, That if a plan otherwise qualifies as a bona fide benefit plan under section 7 (d) (4) of the act, it will still be regarded as a bona fide plan even though it provides, as an incidental part thereof, for the payment to an employee in cash of all or a part of the amount standing to his credit (a) at the time of the severance of the employment relation due to causes other than retirement, disability, or death, or (b) upon proper termination of the plan, or (c) during the course of his employment under circumstances specified in the plan and not inconsistent with the general purposes of the plan to provide the benefits described in section 7 (d) (4) of the act.

(4) *Plans under section 165 (a) of the Internal Revenue Code.* Where the benefit plan or trust has been approved by the Bureau of Internal Revenue as satisfying the requirements of section 165 (a) of the Internal Revenue Code, in the absence of evidence to the contrary, the plan or trust will be considered to meet the conditions specified in subparagraphs (3), (i), (iii), (iv), and (v) of this paragraph.

(5) It should be emphasized that it is the employer's contribution made pursuant to the benefit plan that is excluded from or included in the regular rate ac-

^{77a} It should also be noted that in the case of joint employer-employee contributory plans, where the employee contributions are not paid over to a third person or to a trustee unaffiliated with the employer, violations of the act may result if the employee contributions cut into the required minimum or overtime wages. See the interpretative bulletin on Methods of Payment, Part 777 of this chapter, §§ 777.10, 777.11, 777.12 and 777.13.

cording to whether or not the requirements set forth in subparagraph (3) of this paragraph are met. If the contribution is not made as provided in section 7 (d) (4) or if the plan does not qualify as a bona fide benefit plan under that section, the contribution is treated the same as any bonus payment which is part of the regular rate of pay, and at the time the contribution is made the amount thereof must be apportioned back over the workweeks of the period during which it may be said to have accrued. Overtime compensation based upon the resultant increases in the regular hourly rate is due for each overtime hour worked during any workweek of the period. The subsequent distribution of accrued funds to an employee on account of severance of employment (or for any other reason) would not result in any increase in his regular rate in the week in which the distribution is made.

(52 Stat. 1060, as amended; 29 U. S. C. 201-219)

Signed at Washington, D. C., this 3d day of June 1953.

WM. R. McCOMB,
Administrator.

Wage and Hour Division.

[F. R. Doc. 53-5122; Filed, June 9, 1953; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XI—Defense Electric Power Administration, Department of the Interior

[DEPA Order EO-3, Revocation]

EO-3—NONUTILITY ELECTRIC POWER PROJECTS; INFORMATION TO BE FILED

REVOCATION

Order EO-3 is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under EO-3, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(64 Stat. 816; 50 U. S. C. App. 2154)

This revocation shall take effect immediately.

JAMES F. DAVENPORT,
Administrator,

Defense Electric Power Administration.

[F. R. Doc. 53-5182; Filed, June 9, 1953; 8:54 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 143, to Schedule A]

[Rent Regulation 2, Amdt. 141 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

TEXAS

Effective June 10, 1953, Rent Regulation 1 and Rent Regulation 2 are

amended so that item 303 of Schedules A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 5th day of June 1953.

GLENWOOD J. SHERRARD,
Director of Rent Stabilization.

(303) [Revoked and decontrolled.]

These amendments decontrol the following on the initiative of the Director of Rent Stabilization under section 204 (c) of the act:

The Howard County Defense-Rental Area in the State of Texas.

[F. R. Doc. 53-5143; Filed, June 9, 1953; 8:51 a. m.]

[Rent Regulation 3, Amdt. 135 to Schedule A]

[Rent Regulation 4, Amdt. 78 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS TEXAS

Effective June 10, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that item 303 of Schedules A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 5th day of June 1953.

GLENWOOD J. SHERRARD,
Director of Rent Stabilization.

(303) [Revoked and decontrolled.]

These amendments decontrol the following on the initiative of the Director of Rent Stabilization under section 204 (c) of the act:

The Howard County Defense-Rental Area in the State of Texas.

[F. R. Doc. 53-5144; Filed, June 9, 1953; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART E—VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952

MISCELLANEOUS AMENDMENTS

1. In § 21.2066, paragraph (f) (1) is amended and a new paragraph (h) (4) is added as follows:

§ 21.2066 *Measurement of full- or part-time courses.* * * *

(f) *Law course.* (1) An accredited law course pursued in an accredited law school for the LL.B. degree where, as is usual, the units of credit are of greater value than the standard units of credit for other courses leading to undergraduate degrees in other schools shall be measured as in paragraph (e) of this section, except that an accredited 4-year night law course unless approved as a full-time course pursuant to the standards established by the American Bar

Association shall be considered part time and shall be measured as not more than 3/4 time.

(h) *Cooperative course.* * * *

(4) Most cooperative courses of college level are organized on a 5-year plan and usually include a period devoted exclusively to academic instruction occurring at both the beginning and the end of the course, such periods being the equivalent to at least a semester in length. The intervening period—usually 3 years or more—consists of a series of cycles of relatively equal alternating periods of classroom instruction and occupational experience, i. e., during this period the institutional portion of the course is supplemented by on-the-job training. For example, in one course the first period extending from September to April of the freshman year is devoted to academic instruction only. Following the series of cycles of alternating classroom instruction and occupational experience the final 6 months of the senior year are devoted exclusively to classroom instruction. In another course the first 2 school years and the final semester of the fifth year are devoted exclusively to classroom instruction. When the course is not comprised in its entirety of cycles of alternating academic instruction and occupational experience, the veteran shall receive the education and training allowance set forth in § 21.2052 (b) for that portion of the course during which the on-the-job training supplements the institutional portion, that is, for that portion consisting of cycles of alternating academic instruction and occupational experience. The veteran shall receive the education and training allowance set forth in § 21.2052 (a) for those periods equivalent to at least a semester in length which are devoted exclusively to academic instruction and which either precede or follow the series of cycles. Where the course is comprised in its entirety of cycles of alternating academic instruction and occupational experience or where the period devoted exclusively to academic instruction at the beginning or end of the course is less than the equivalent of a semester in length, the veteran shall be paid the education and training allowance set forth in § 21.2052 (b). If the veteran interrupts his training under the law for that part of a cycle devoted to occupational experience, he shall not receive any education and training allowance during the period of such interruption, and the fact of such interruption will not operate to make the veteran entitled to the rate set forth in § 21.2052 (a) for the part of the cycle devoted exclusively to academic instruction.

2. In § 21.2151, paragraphs (d) and (e) are amended and a new paragraph (f) is added as follows:

§ 21.2151 *Approval of courses under Public Law 550, 82d Congress.* * * *

(d) The assistant administrator for vocational rehabilitation and education

is hereby delegated the authority to approve or disapprove, subject to the provisions of the law and Veterans' Administration regulations, the applications for approval of courses of education or training which are submitted for approval by the Administrator under the provisions of paragraph (c) of this section. The manager of the regional office is hereby delegated like authority to approve or disapprove, subject to review on appeal to the assistant administrator for vocational rehabilitation and education, the applications for courses of education or training offered by institutions or establishments within the area of his jurisdiction which are sponsored by or are under the control of a Federal agency in the following instances:

(1) In all local installations of a Federal agency which does not have standard training programs applicable to all installations but which allows the local installations to develop their own courses of apprentice or other on-the-job training.

(2) In all educational institutions, including hospitals which offer residency, internship, nursing, or technician courses.

(c) Applications for approval of courses as provided in paragraph (d) of this section shall be submitted in accordance with the law and Veterans' Administration regulations and shall contain the information as required by Veterans' Administration regulations with respect to applications to a State approving agency.

(f) Upon notification that the appropriate State approving agency does not intend to act upon the application of any educational institution or training establishment desiring to offer education or training under the law, such institution or establishment may submit to the Administrator an appropriate application for approval. Such application should be supported by explanation of the reasons for failure of the State approving agency to act.

3. In § 21.2153, paragraph (b) (5) is amended to read as follows:

§ 21.2153 *Reimbursement of expenses under Public Law 550, 82d Congress.* * * *

(b) *Reimbursement.* * * *

(5) *On-the-job and apprentice training courses.* The law does not authorize the Veterans' Administration to reimburse a State or Federal agency for expenses incurred by such agency which are in connection with duties normally a function and responsibility of the State or Federal Government or agency thereof and which would normally be performed without reference to the veterans' program. Except as provided in this subparagraph, State approving agencies will be reimbursed for necessary salaries and travel expense in connection with the inspection, approval, and supervision of establishments offering apprentice or other on-the-job training courses to veterans enrolled under this law and for furnishing at the request of

the Veterans' Administration any other services in connection with Title II of this law. Where apprentice courses are registered with and are under the supervision of either a State Apprenticeship agency or the Federal Bureau of Apprenticeship, and where approval or supervisory visits in addition to those, if any, made under the regular State or Federal program to establishments offering such courses under Public Law 550 are made by personnel of the State approving agency, the appropriate State approving agency will be reimbursed for the necessary salaries and travel expense for making one such visit each year and for any additional visits made at the request of the Veterans' Administration. Where the designated State approving agency for the approval of apprenticeship courses is the State apprenticeship agency, reimbursement for services in connection with apprentice programs will be made for the clerical salary expense incurred in processing the applications submitted by training establishments and furnishing notices of approval as provided in § 21.2207.

4. In § 21.2203, paragraph (a) (4) (iii) is amended to read as follows:

§ 21.2203 *Approval of accredited courses—(a) Accredited courses.* * * *

(4) * * * (iii) Credit for the course is awarded in terms of standard semester or quarter hours.

(Sec. 261, 66 Stat. 663)

This regulation is effective June 10, 1953.

[SEAL]

H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 53-5115; Filed, June 9, 1953; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND B TELEPHONE COMPANIES

EDITORIAL CHANGES

In the matter of amendment of Part 31 of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission having under consideration the desirability of making certain editorial changes in Part 31 of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4 (d), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended,

and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1952, as amended:

It is ordered, This 2d day of June 1953 that, effective immediately, Part 31 of the Commission's rules and regulations is revised as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: June 3, 1953.

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

Directions for altering text:

Reference	Delete	Substitute
Section designated as § 31.09-9A.	31.09-9A.	31.01-9A.
In the last line of paragraph (a) of § 31.1-13.	31.1-16a.	31.1-16A.
Four places in paragraph (d) (1) of § 31.122.	units of property.	retirement units.
In eighth line of paragraph (d) (1) of § 31.122.	31.2-25 (d).	31.2-25 (e).
In fourth line of § 31.108.	debts.	debt.
In the last line of paragraph (a) of § 31.172.	31.2-25 (e).	31.2-25 (f).
In sixth line of paragraph (b) of § 31.173.	of.	or.
In the last line of paragraph (a) of § 31.211.	31.2-25 (e).	31.2-25 (d).
Item preceding "Frames" in list for § 31.221.	Generators.	Engines.
In the last line of § 31.277.	31.2-25 (f).	31.2-25 (g).
In third line of § 31.401.	§§ 31.2-25 (e), 31.2-25 (f).	§ 31.2-25 (d) and (g).
In third line of § 31.410.	§ 31.2-25 (e), (f).	§ 31.2-25 (d) and (g).
In the tenth item of § 31.413.	31.1-16a.	31.1-16A.
In the fourteenth item of § 31.626.	attendance.	attendants.
In the first line of Note B to § 31.640.	of.	or.
In second line of paragraph (c) of § 31.672.	plant.	plan.
Under "232 Station Installations" of § 31.8.	(b).	(c).
Under "233 Drop and block wires" of § 31.8.	(b).	(c).

[F. R. Doc. 53-5140; Filed, June 9, 1953; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

19 CFR Parts 112, 114, 117,
119.1

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS, AND CERTAIN ORGANISMS AND VECTORS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)), that the Secretary of Agriculture, pursuant to the authority vested in him by the Virus-Serum-Toxin Act of March 4, 1913 (21 U. S. C. 151 et seq.) and section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111), is considering amending §§ 112.2, 112.27, 114.2 (a), 114.5, 114.6, 117.4, and 119.4 of the regulations relating to viruses, serums, toxins, and analogous products, and certain organisms and vectors (9 CFR 112.2, 112.27, 114.2 (a), 114.5, 114.6, 117.4, and 119.4), in the following respects:

1. Section 112.2 would be amended to read:

§ 112.2 *Required and permitted information.* (a) Except as provided by the Chief, each label of a biological product prepared at a licensed establishment or imported shall include the following:

(1) The true name of the product which name shall be identical with that shown in the license or permit under which the product is prepared or imported and shall be prominently lettered and placed giving equal emphasis to each word composing it;

(2) The name and address of the licensee or permittee: *Provided*, That when the licensee has more than one establishment, one street address only shall be given, although the general location of each licensed establishment in such case may be stated;

(3) The license or permit number assigned by the Department which shall be shown only in one of the following forms, respectively: "U. S. Veterinary

License No. _____," or "U. S. Vet. License No. _____," or "U. S. Veterinary Permit No. _____," or "U. S. Vet. Permit No. _____";

(4) A serial number by which the product can be identified with the manufacturer's records of preparation;

(5) A permitted expiration date affixed before the product is removed from the manufacturer's establishment;

(6) A dosage table and full instructions for the proper use of the product or a statement in the case of very small labels as to where such information is to be found;

(7) The quantity of the contents of each immediate or true container in cubic centimeters, units, grams, or milligrams;

(8) Instructions to keep the product at a temperature of not over 45° F.: *Provided*, That all labels, circulars, and the like for liquid Brucella abortus vaccine and rabies vaccine shall include a warning against freezing and instructions to keep the product under refrigeration at 35° to 45° F.;

(9) In the case of a multiple-dose container, a warning that all of the product should be used at the time the container is first opened, except as provided in subparagraph (13) of this paragraph;

(10) In the case of a product composed of viable or dangerous organisms or viruses, the notice "Burn this container and all unused contents" prominently placed and lettered and affixed to the immediate or true container of such product, except as provided in subparagraph (13) of this paragraph;

(11) In the case of subcutaneous tuberculin, a statement indicating the quantity of Koch's old tuberculin (K. O. T.) in each cubic centimeter, disk, or the like of the product, and recommendations regarding the minimum dose to be administered: *Provided*, That this dose for subcutaneous use shall be not less than the equivalent of 0.5 gram K. O. T.;

(12) In the case of a product which contains an antibiotic added during the production process, the statement "Con-

tains _____ as a preservative", or an equivalent statement, including the antibiotic added;

(13) (i) In the case of a diluent which is to be removed from its container and entirely added to a desiccated biological product, the label of such diluent is exempt from the provisions of subparagraphs (9) and (10) of this paragraph;

(ii) In the case of a diluent with which a desiccated biological product is to come in contact while the diluent is in its original container, the label of such diluent must conform to the provisions of subparagraphs (9) and (10) of this paragraph;

(iii) In the case of a desiccated biological product which is to be added to a diluent and never returned to the original container, the label of such desiccated biological product shall conform to the provisions of subparagraph (10) of this paragraph but is exempt from the provisions of subparagraph (9) of this paragraph; and

(14) All other similar information required by the Chief.

(b) Labels of biological products prepared at licensed establishments or imported may also include any other statement which is not false or misleading.

(c) Labels of biological products prepared at licensed establishments or imported shall not include any statement, design, or device which overshadows the true name of the product as licensed or which is false or misleading in any particular or which may otherwise deceive the purchaser.

2. Section 112.27 would be amended to read:

§ 112.27 *Selection, marketing, testing, and holding by licensee.* (a) Representative samples of each batch of every biological product, except anti-hog-cholera serum, hog-cholera vaccine, and hog-cholera virus, shall be selected at random from packages finished for marketing by designated laboratory employees in each licensed establishment. Said representative samples shall include two samples reserved for Bureau call and such other samples as may be re-

quired by the licensee for examination and testing. Each sample reserved for Bureau call shall (1) consist of two or more containers and the package (or packages) shall be sealed, dated, and initialed when taken; (2) be adequate in quantity for appropriate examination and testing; (3) be truly representative of the batch which is to be marketed and be in true containers; and (4) be held by the licensee at least 6 months after the latest expiration date stated on the labels.

(b) A special compartment or the equivalent shall be set aside by the licensee for the exclusive holding of the two samples reserved for Bureau call under refrigeration at 35° to 45° F. The samples shall be stored systematically for ready reference and procurement if and when requested by the Bureau.

3. Paragraph (a) of § 114.2 would be amended to read:

§ 114.2 *Methods.* (a) All biological products shall be prepared, handled, stored, marked, treated, and tested by licensees in accordance with methods described in the licensees' outlines provided for under this section, unless other methods are prescribed or permitted by the Chief in which case such other methods shall be used.

4. Section 114.5 would be amended to read:

§ 114.5 *Brucella abortus vaccine; marketing and use.* (a) Licensees' production outlines for *Brucella abortus* vaccine shall specify, among other things, the minimum number of viable *Brucella abortus* organisms per cubic centimeter that shall be present in the product until the end of the period of use indicated by the expiration date. The expiration date for the liquid form of this vaccine shall not exceed 3 months from the date of production (harvesting), and for the desiccated form shall not exceed 15 months from the date of production (harvesting). The vaccine shall be marketed only in vials of resistant glass of low alkalinity and uniform stability, and all other glass containers used in preparation of the product shall be of like resistance.

(b) Freshly prepared *Brucella abortus* vaccine shall contain, when subjected to testing, not less than 10 billion viable *Brucella abortus* organisms per cubic centimeter. The vaccine also shall contain not less than 5 billion viable *Brucella abortus* organisms per cubic centimeter until the end of the period of use as indicated by the expiration date recorded on all labels used on or in connection with each immediate or true container of the same mixture or batch.

5. Section 114.6 would be amended to read:

§ 114.6 *Fowl-pox vaccine, laryngotracheitis vaccine, and Newcastle disease vaccine.* Licensed establishments shall test each batch of fowl-pox vaccine, including pigeon pox, laryngotracheitis vaccine, and Newcastle disease vaccine as provided in this section to determine whether it is free from the causative agents of extraneous diseases.

(a) *Fowl-pox vaccine.* For testing each batch of fowl-pox vaccine, 12 healthy cockerels or other suitable young chickens of the same source shall be made available at the same time. This group shall have been immunized for at least 21 days with fowl-pox vaccine, previously tested and found satisfactory.

(1) Three of the test birds selected shall be injected subcutaneously with 10 times the field dose of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from other viruses and etiological agents of septicemic diseases.

(2) Three of the test birds selected shall be injected intratracheally with 10 times the field dose of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from the etiological agents of laryngotracheitis and similar diseases.

(3) Three of the test birds selected shall be injected intranasally with 0.2 cc. of the vaccine prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from the etiological agents of coryza and similar diseases.

(4) The three remaining birds selected shall be isolated and held as controls under observation for at least 21 days.

(5) All the treated birds shall be observed daily for at least 21 days. All the test birds that succumb shall be subjected to a careful post mortem examination by a competent veterinarian. The product shall be withheld from the market until it and the test birds are shown to be free of the causative agents of any extraneous disease. No bird shall be used more than once in making tests, and only healthy birds shall be removed from the premises.

(b) *Laryngotracheitis vaccine.* For testing each batch of laryngotracheitis vaccine, 12 healthy cockerels or other suitable young chickens of the same source shall be made available at the same time. This group shall have been immunized for at least 14 days with laryngotracheitis vaccine previously tested and found satisfactory.

(1) Three of the test birds selected shall be injected subcutaneously with 10 times the field dose of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from other viruses and etiological agents of septicemic diseases.

(2) Three of the test birds selected shall be treated by applying at least 10 times the field dose of the vaccine to be tested to a scarified area of at least 1 square centimeter on the comb of each bird. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from the virus of fowl-pox.

(3) Three of the test birds selected shall be injected intranasally with 0.2 cc. of the vaccine to be tested. The vaccine

as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from the etiological agents of coryza and similar diseases.

(4) The three remaining birds selected shall be isolated and held as controls under observation for at least 21 days.

(5) All the treated birds shall be observed daily for at least 21 days. All the test birds that succumb shall be subjected to a post mortem examination by a competent veterinarian. The product shall be withheld from the market until it and the test birds are shown to be free of the causative agents of any extraneous diseases. No bird shall be used more than once in making tests, and only healthy birds shall be removed from the premises.

(c) *Newcastle disease vaccine.* For testing each batch of Newcastle disease vaccine, 15 healthy cockerels or other suitable young chickens of the same source shall be made available at the same time. This group shall have been immunized for at least 14 days with Newcastle disease vaccine previously tested and found satisfactory.

(1) Three of the test birds selected shall be injected subcutaneously with 10 times the field dose of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from other viruses and etiological agents of septicemic diseases.

(2) Three of the test birds selected shall be injected intratracheally with 10 times the field dose of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from viruses of laryngotracheitis and similar diseases.

(3) Three of the test birds selected shall be injected intranasally with 0.2 cc. of the vaccine prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from viruses of coryza and similar diseases.

(4) Three of the test birds selected shall be treated by applying at least 10 times the field dose of the vaccine to be tested to a scarified area of at least 1 square centimeter on the comb of each bird. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from the virus of fowl-pox.

(5) The three remaining birds selected shall be isolated and held as controls under observation for at least 21 days.

(6) All the treated birds shall be observed daily for at least 21 days. All the test birds that succumb shall be subjected to a post mortem examination by a competent veterinarian. The product shall be withheld from the market until it and the test birds are shown to be free of the causative agents of any extraneous diseases. No bird shall be used more than once in making tests, and only

healthy birds shall be removed from the premises.

6. Section 117.4 would be amended to read:

§ 117.4 *Time held in contact.* (a) Except as otherwise provided in § 117.6, each group of 200 or less sheep or goats and each group of 20 or less cattle at licensed establishments shall be held in the contact pens for at least 2 days in contact with not less than 2 contact calves, and each animal shall be allowed free range and contact with said contact calves and the other animals in the group.

(b) Except as otherwise provided in § 117.6, each group of hogs which arrives at a licensed establishment in the same conveyance shall be held in the contact pens for at least 1 day in contact with not less than 2 contact calves, except that in the case of pigs used in testing the potency and purity of anti-hog-cholera serum, 6 hours will be sufficient. More than 1 group of such animals may be placed in the same contact pen providing the total number of hogs in the pen does not exceed 200. Each animal shall be allowed free range and contact with said contact calves and the other animals in the group. Hogs immune to hog cholera may be removed from the contact pens for hyperimmunization at any time while being held as aforesaid: *Provided*, They are returned to said pens immediately after this operation.

7. Section 119.4 would be amended to read:

§ 119.4 *Health and weight when hyperimmunized.* Hogs which are used to

produce anti-hog-cholera serum at licensed establishments shall be healthy at the time of hyperimmunization, and this fact shall be determined by a thorough veterinary inspection. The weight of each animal in a given group shall be determined and recorded accurately by the licensee before hyperimmunization of the group.

The primary purposes of the foregoing proposed amendments are to clarify the provisions of the regulations with respect to labeling of desiccated products, to require safety tests for Newcastle disease vaccine, to restate minimum requirements for Brucella abortus vaccine in order to provide for multiple dose containers, to provide a more practical system for the contacting of hogs in serum plants, and to clarify certain other provisions of the regulations.

Any person who wishes to submit written data, views, or arguments concerning the foregoing proposed amendments may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, U. S. Department of Agriculture, Washington 25, D. C., within ten days after the date of publication of this notice in the *FEDERAL REGISTER*.

Done at Washington, D. C., this 5th day of June 1953.

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

[F. R. Doc. 53-5147; Filed, June 9, 1953;
8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 10492]

STANDARD BROADCAST STATIONS

NOTICE OF EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of the Standards of Good Engineering Practice concerning Standard Broadcast Stations, Docket No. 10492.

1. On May 8, 1953, the Commission issued a notice of proposed rule making (FCC 53-521) in the above-entitled matter which specified that comments were to be filed on or before May 29, 1953. The Association of Federal Communications Consulting Engineers has requested that consideration in this matter be postponed until the Association can collate the opinions of its members; and that a further time for filing comments be permitted.

2. In view of the above request notice is hereby given that time for filing comments in the above-entitled matter is extended to June 29, 1953. Replies to such comments may be filed on or before July 9, 1953.

Adopted: June 2, 1953.

Released: June 3, 1953.

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

[F. R. Doc. 53-5137; Filed, June 9, 1953;
8:50 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

VESICULAR EXANTHEMA, A DISEASE OF SWINE

DECLARATION AND STATEMENT OF POLICY

On April 22, 1953, there was published in the *FEDERAL REGISTER* (18 F. R. 2358) a Declaration and Statement of Policy regarding vesicular exanthema, a disease of swine, in which it was stated, in effect, that this Department will not join with the States in the payment of indemnities to owners of swine destroyed in connection with an outbreak of the disease after June 1, 1953, associated with the feeding of raw garbage.

At the time of the issuance of the above document, it was contemplated that the revised regulations restricting the interstate movement of swine and swine products because of vesicular exanthema would become effective on June 1, 1953. It is now proposed to issue such regulations effective on July 1, 1953. Furthermore, under the laws of various States, their control programs cannot become effective until July 1, 1953. In view of these circumstances, the said Declaration and Statement of Policy is hereby

amended by changing the date in paragraph number 3 thereof from June 1, 1953, to July 1, 1953.

Done at Washington, D. C., this 5th day of June 1953.

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

[F. R. Doc. 53-5134; Filed, June 9, 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. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage 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 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952, 17 F. R. 3818).

Ann Lee Frocks, 631 Fellows Avenue, Hanover Township, Lyndwood, Pa., effective 6-2-53 to 6-1-54; for normal labor turnover 10 learners (dresses).

G. Forest Braithwaite, 105 West Main Street, Ripley, N. Y., effective 5-28-53 to 5-27-54; 5 learners for normal labor turnover purposes (foundation garments).

Carbon Sportswear, Inc., 37 West Bertsch Street, Lansford, Pa., effective 5-29-53 to 5-28-54; for normal labor turnover, 10 learners (ladies' sportswear and dresses).

Carter & Churchill Co., Lebanon, N. H., effective 6-4-53 to 6-3-54; 5 learners for normal labor turnover (flannel shirts, ski clothing, hunting and utility clothing).

Cata Garment Co., 712 Linden Street, Allentown, Pa., effective 6-2-53 to 6-1-54; 5 learners for normal labor turnover (blouses and sportswear).

Colonial Shirt Corp., Woodbury, Tenn., effective 6-19-53 to 6-18-54; 10 percent of the factory production workers for normal labor turnover purposes (men's cotton and rayon dress and sport shirts).

Colonial Shirt Corp., Woodbury, Tenn., effective 6-1-53 to 11-30-53; 50 learners for expansion purposes (men's cotton and rayon dress and sport shirts).

Forest City Manufacturing Co., DuQuoin, Ill., effective 5-28-53 to 10-18-53; 30 learners for expansion purposes (junior and misses' dresses).

Frackville Manufacturing Co., Inc., Frackville, Pa., effective 5-28-53 to 5-27-54; 10 percent of the factory production workers for normal labor turnover purposes (flannelette and cotton rayon nightshirts).

Harbor View Sportswear Co., 405 Main Street, Gloucester, Mass., effective 5-28-53 to 5-27-54; 5 learners for normal labor turnover (men's and boys' sportswear).

Jaco Pants Inc., Ashburn, Ga., effective 5-28-53 to 5-27-54; 10 percent of the factory production workers for normal labor turnover purposes (men's dress pants).

W. Kotkes & Son Inc., 1305 Main Street, Lynchburg, Va., effective 6-2-53 to 6-1-54; 10 percent of the factory production workers (nurses and maids uniforms).

Linwood Mills Inc., LaFayette, Ga., effective 5-29-53 to 11-28-53; 10 learners for expansion purposes (sports shirts).

The Moyer Manufacturing Co., 18-24 North Walnut Street, Youngstown, Ohio, effective 5-29-53 to 5-28-54; 10 percent of the factory production workers for normal labor turnover purposes (men's slacks).

Shelby Manufacturing Co., 660 East Jackson Street, Shelbyville, Ind., effective 5-26-53 to 5-25-54; 10 percent of the factory production workers for normal labor turnover purposes (ladies cotton wash dresses).

Shenan Dress Corp., North Bower and Washington Streets, Shenandoah, Pa., effective 6-2-53 to 6-1-54; 10 percent of the factory production workers for normal labor turnover (ladies' and misses' dresses).

Siceloff Manufacturing Co., Inc., East Second Avenue, Lexington, N. C., effective 6-2-53 to 6-1-54; 10 percent of the factory production workers for normal labor turnover (work pants, bib overalls, dungarees, work shirts).

Spruce Manufacturing Corp., Second and Spruce Streets, Sunbury, Pa., effective 6-12-53 to 6-11-54; 10 percent of the factory production workers for normal labor turnover (ladies' underwear).

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

Russell-Harville Hosiery Mills, Inc., Plant No. 2, Mount Gilead, N. C., effective 6-2-53 to 2-1-54; 45 learners for expansion purposes.

Russell-Harville Hosiery Mills, Inc., Plant No. 2, Mount Gilead, N. C., effective 6-2-53 to 6-1-54; 5 learners.

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

Richland Knitting Mills, Inc., Richland, Pa., effective 5-28-53 to 5-27-54; 5 learners (men's and boys' knit polo shirts).

Van Raalte Co., Inc., Main Street, Bristol, Vt., effective 6-15-53 to 6-14-54; 5 percent of the total number of factory production workers (not including office and sales per-

sonnel) (women's nylon underwear garments).

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

Avonnac Shoe Co., Roachdale, Ind., effective 6-2-53 to 6-1-54; 10 learners for normal labor turnover.

The following special learner certificate was issued in Puerto Rico to the company 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.

Pan Am Textiles Inc., Caguas, P. R., effective 5-27-53 to 10-16-53; 50 learners; knitters, 160 hours at 30 cents per hour, 320 hours at 32 cents per hour, 320 hours at 35 cents per hour; seamers, 160 hours at 30 cents per hour, 320 hours at 32 cents per hour, 320 hours at 35 cents per hour; examiners, 120 hours at 32 cents per hour, 120 hours at 35 cents per hour; menders, 160 hours at 30 cents per hour, 160 hours at 32 cents per hour, 160 hours at 35 cents per hour (full fashioned hosiery) (replacement certificate).

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 1st day of June 1953.

MILTON BROOKE,
Authorized Representative
of the Administrator.

[F. R. Doc. 53-5120; Filed, June 9, 1953; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5031 et al.]

TRANS-PACIFIC CERTIFICATE RENEWAL CASE

NOTICE OF HEARING

In the matter of the proceeding known as the Trans-Pacific Certificate Renewal Case.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 1001 of that act, that a hearing in the above-entitled proceeding is assigned to be held on June 22, 1953 at 10 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 Thomas L. Wrenn.

Without limiting the scope of the issues presently in this proceeding, particular attention will be directed to:

1. Whether the temporary Trans-Pacific services now certificated will be re-

newed as authorized or modified and amended; and if so, whether such services should be operated by the carriers presently certificated for such services or by other carriers; and

2. Whether new and additional services, as proposed by some of the applicants, are required by the public convenience and necessity.

Notice is further given that any person not a party to the proceeding desiring to be heard in opposition to the matters set forth in the case must file with the Board on or before June 22, 1953, a statement setting forth issues of fact or law which he desires to contest. Any person filing such a statement may appear and participate at the hearing in accordance with § 302.14 of the Procedural Regulations under Title IV of the Civil Aeronautics Act, as amended.

For further details of the proceeding and issues involved, interested persons are referred to the applications in the consolidated proceeding, Board Orders Nos. E-7098 and E-7338, and to the reports of the prehearing conference on file with the Civil Aeronautics Board.

Dated at Washington, D. C., June 6, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-5142; Filed, June 9, 1953; 8:51 a. m.]

[Docket No. SA-278]

ACCIDENT OCCURRING NEAR MARSHALL, TEX.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 28345, which occurred near Marshall, Texas, on May 17, 1953.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on June 17, 1953, at 9:00 a. m. (local time) in the auditorium, Mercantile Bank Building, 106 South Ervay Street, Dallas, Texas.

Dated at Washington, D. C., June 2, 1953.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 53-5141; Filed, June 9, 1953; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10471, 10472, 10473]

SOUTHERN TELEVISION, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Southern Television, Inc., Chattanooga, Tennessee, Docket No. 10471, File No. BPCT-931; Tri-State Telecasting Corporation, Chattanooga, Tennessee, Docket No. 10472, File No. BPCT-983; WDEF Broadcasting Company, Chattanooga, Tennessee, Docket No. 10473, File No. BPCT-989; for

construction permits for new television stations.

The hearing in this proceeding was commenced pursuant to § 1.841 on Monday, May 25, 1953, and various matters were discussed and certain actions were tentatively decided upon. An order after pre-hearing conference will be prepared at or after the further conference which is hereinafter ordered to be held on June 15, 1953.

Counsel for all parties and for the Chief of the Broadcast Bureau agreed to participate cooperatively in the preparation of written stipulations of facts concerning: the identity, business interests and backgrounds of the principals who compose the several applicants; the program service proposed by each applicant as affected by the assumed availability of network affiliation agreements; and other factual and procedural matters which can be so agreed upon as to dispense with or limit the extent and nature of proof to be offered at the hearing. The proposed stipulations will be considered at the further conference.

All counsel will also participate cooperatively in the preparation and submission of a draft of an order after pre-hearing conference which will be considered at the further conference hereinafter ordered.

Each applicant plans to take depositions to be completed by July 3, 1953, it being tentatively contemplated that the hearing of testimony may be commenced on or after July 20, 1953.

A petition for leave to amend filed by Tri-State Telecasting Corporation on May 22, 1953, is pending, and it was agreed that the parties may have until Monday, June 1, in which to file opposition thereto.

Many other procedural and substantive matters involved in this proceeding were extensively discussed, but the delineation of those matters and the results of the discussions will be set out in the contemplated order after pre-hearing conference. A further conference is necessary to achieve the objectives of § 1.841, and therefore:

It is ordered, This 29th day of May 1953, that this matter is continued for further conference until Monday, June 15, 1953, at the hour then established by Commission policy and practice for the commencement of hearing proceedings.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-5138; Filed, June 9, 1953;
8:50 a. m.]

[Change List No. 14]

DOMINICAN REPUBLIC BROADCAST
STATIONS

LIST OF CHANGES IN ASSIGNMENTS
APRIL 29, 1952.

Notification of changes in Dominican
Broadcasting Stations:

DOMINICAN REPUBLIC

Call letters	Location	Power (kw)	Time designation	Radiation	Class	Probable date to commence operation
HI8B.....	Bella Vista (Santiago), 19-28 N., 70-42 W. (Present Assignment: 0.1N/1D, 1360 kc, III/D, IV/N).	610 kilocycles 1	U	ND	II	June 1, 1952.
HI3J.....	San Pedro De Macoris, 18-26 N., 68-18 W. (Present Assignment: 0.5 kw, 1380 kc, III).	1380 kilocycles 0.5	U	ND	III	January, 1953.
HI6T.....	Santiago, 19-28 N., 70-42 W. (Present Assignment: 1 kw, 610 kc, II).	1380 kilocycles 0.5N/1D	U	ND	III	June 1, 1952.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-5139; Filed, June 9, 1953; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6476]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF EXTENSION OF TIME

JUNE 3, 1953.

Upon consideration of the request of Community Public Service Company, filed June 3, 1953, notice is hereby given that an extension of time is granted to and including July 3, 1953, within which Applicant shall consummate the transactions authorized by the order entered March 5, 1953 and issued March 6, 1953, in the above-designated matter.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-5135; Filed, June 9, 1953;
8:49 a. m.]

[Docket No. E-6498]

IOWA PUBLIC SERVICE CO.

NOTICE OF SUPPLEMENTAL ORDER

JUNE 4, 1953.

Notice is hereby given that on June 3, 1953, the Federal Power Commission issued its order adopted June 3, 1953, authorizing issuance of securities in the above-entitled matter.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-5123; Filed, June 9, 1953;
8:47 a. m.]

[Docket Nos. G-2115, G-2146]

EL PASO NATURAL GAS CO. AND EAST
TENNESSEE NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDERS

JUNE 4, 1953.

Notice is hereby given that on June 3, 1953, the Federal Power Commission issued its orders adopted June 2, 1953, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-5124; Filed, June 9, 1953;
8:47 a. m.]

[Docket No. G-2153]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF OPINION NO. 253 AND ORDER

JUNE 4, 1953.

Notice is hereby given that on June 3, 1953, the Federal Power Commission issued its memorandum opinion and order adopted June 2, 1953, in the above-entitled matter, accepting proposed settlement, making effective tariff changes, and terminating proceeding, upon conditions specified in the order.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-5125; Filed, June 9, 1953;
8:47 a. m.]

[Project No. 1250]

CITY OF PASADENA, CALIF.

NOTICE OF ORDER GRANTING EXEMPTION
FROM PAYMENT OF ANNUAL CHARGES

JUNE 4, 1953.

Notice is hereby given that on June 3, 1953, the Federal Power Commission issued its order adopted June 2, 1953, granting exemption from payment of annual charges in the above-entitled matter.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-5126; Filed, June 9, 1953;
8:47 a. m.]

[Project Nos. 2000, 2121]

POWER AUTHORITY OF THE STATE OF NEW
YORK AND PUBLIC POWER AND WATER
CORP.

ORDER FOR ORAL ARGUMENT

Exceptions to the decision of the Presiding Examiner in the matters of the applications of the Power Authority of the State of New York, Project No. 2000, and Public Power and Water Corporation, Project No. 2121, issued May 12, 1953, have raised many issues of law and fact with respect to the denial of the application for license for Project No. 2121 to the above-named company and the granting of license for Project No. 2000 to the Power Authority of the State

of New York, under the Federal Power Act.

In view of the many and important issues raised of law and fact in the briefs and exceptions filed by the numerous interveners and the parties to the respective applications, and in order to become more fully apprised of the merits of the issues presented, the Commission finds: It is in the best interest of the public that oral arguments be heard before the Commission.

The Commission orders: Oral arguments on the exceptions taken to the Presiding Examiner's decision in the above-entitled matters be held before the Commission on June 15, 1953 at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

Adopted: June 2, 1953.

Issued: June 4, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-5127; Filed, June 9, 1953;
8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3036]

NEW JERSEY POWER & LIGHT CO.

ORDER AUTHORIZING ISSUANCE AND SALE
OF BONDS

JUNE 4, 1953.

New Jersey Power & Light Company ("NJP&L"), a public utility subsidiary of General Public Utilities Corporation ("GPU"), a registered holding company, having filed an application and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act"), particularly section 6 (b) thereof and Rule U-50 thereunder with respect to the following proposed transactions:

NJP&L proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, \$5,500,000 principal amount of First Mortgage Bonds, -- Percent Series, due May 1, 1983, to be issued under and secured by NJP&L's indenture dated as of March 1, 1944, as heretofore supplemented and to be supplemented by an indenture to be dated as of May 1, 1953. The interest rate and the price to be paid to NJP&L are to be determined by the competitive bidding, except that the invitation for bids will specify that the price to the company shall be not less than 100% nor more than 102.75% of the principal amount.

The filing states that the proceeds from the sale of the bonds will be used to repay \$3,545,000 of short-term notes and to finance, in part, NJP&L's construction program, including the reimbursement of its treasury for expenditures made therefrom for such purpose.

The estimated fees and expenses to be incurred in connection with the proposed transactions aggregate \$57,000, including legal fees and expenses of company counsel in the amount of \$8,000; printing, \$27,000; accounting fees and

expenses, \$3,500; Trustees Fees, \$6,000; filing fees and Federal issue tax, \$7,000 and miscellaneous expenses, \$5,500.

The filing also states that no State or Federal regulatory body, other than the Board of Public Utility Commissioners of the State of New Jersey and this Commission, has jurisdiction over the proposed transaction and that the issuance and sale of bonds will be solely for the purpose of financing the business of NJP&L, and has been expressly authorized by the Board of Utility Commissioners of the State of New Jersey, subject to the issuance by such State commission of a further certificate in the light of the results of competitive bidding. It is requested that the Commission's order become effective upon issuance.

Due notice having been given of the filing of the application and amendments thereto, and a hearing not having been requested or ordered by the Commission; and it appearing that further data is required with respect to the fees and expenses of counsel for NJP&L and of counsel for the successful bidder for the bonds; and the Commission finding with respect to said application, as amended, that the applicable standards of the act and the rules are satisfied and that it is not necessary to impose any terms or conditions other than those set forth below, and the Commission deeming it appropriate that said application, as amended, be granted forthwith, subject to the reservation of jurisdiction hereinafter provided:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said application, as amended, be, and it hereby is, granted forthwith, subject to the conditions prescribed in Rule U-24 and to the following additional terms and conditions:

(1) That the proposed issuance and sale by NJP&L of bonds shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been issued in the light of the record so completed, which order may contain such further terms or conditions as may then be deemed appropriate;

(2) That jurisdiction be reserved with respect to the fees and expenses of counsel for NJP&L and of counsel for the successful bidder for the bonds.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 53-5129; Filed, June 9, 1953;
8:48 a. m.]

[File No. 70-3076]

AMESBURY ELECTRIC LIGHT CO. ET AL.

NOTICE REGARDING PROPOSED NOTE ISSUES
BY SUBSIDIARIES AND ACQUISITION OF
SAID NOTES BY PARENT COMPANY

JUNE 4, 1953.

In the matter of Amesbury Electric Light Company, Attleboro Steam and Electric Company, Haverhill Electric Company, Quincy Electric Light and

Power Company, Weymouth Light and Power Company, Worcester County Electric Company, New England Electric System; File No. 70-3076.

Notice is hereby given that a joint declaration 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, and by its above named subsidiary companies, hereinafter individually referred to as "Amesbury", "Attleboro", "Haverhill", "Quincy", "Weymouth" and "Worcester" and collectively referred to as the "borrowing companies". Sections 6 (a), 7, 9 (a), 10, and 12 (f) of the act and Rules U-23, U-42 (b) (2), U-43 (a), U-45 (b) (1) and U-50 (a) (3) thereunder have been designated by the Declarants as applicable to the proposed transactions, which are summarized as follows:

The borrowing companies propose to issue to NEES, from time to time but not later than July 31, 1953, unsecured promissory notes in the aggregate principal amount of \$7,500,000 and in the following individual amounts: Amesbury, \$515,000; Attleboro, \$555,000; Haverhill, \$800,000; Quincy, \$1,080,000; Weymouth, \$1,050,000; and Worcester, \$3,500,000.

As at May 20, 1953, the borrowing companies had outstanding notes payable to banks in the aggregate principal amounts of \$7,390,000 and, with the exception of Amesbury, are authorized by the Commission to make, and propose to make, additional borrowings from banks prior to June 30, 1953. The proceeds to be derived from the notes proposed to be issued to NEES will be used by the borrowing companies to pay such note indebtedness to banks and after said issuance of notes to NEES, none of the borrowing companies will have, or will be authorized by this Commission to have, any such note indebtedness to banks, except Worcester, which will have \$1,100,000 principal amount of such notes outstanding with three local banks.

Each of the notes proposed to be issued to NEES will mature six months from the issue date thereof and will bear the same interest rate as the notes being paid off as long as such notes would have been outstanding by their terms and thereafter each of the proposed notes will bear interest at the prime interest rate at the issue date thereof. It is stated that 3 1/4 percent per annum is the present prime interest rate charged by banks on notes similar to the proposed notes. In the event that such prime interest rate is in excess of 3 1/2 percent per annum at the time any of the proposed notes are to be issued, at least five days prior to the issuance of said note or notes the issuing company or companies and NEES will file an amendment to this filing setting forth the terms of the note or notes and the rate of interest. It is requested that any such amendment become effective at the end of said five day period unless prior thereto, the Commission notifies NEES or the issuing company or companies to the contrary.

Each of the borrowing companies proposes that if any permanent financing is done before the maturity date of any

of the notes proposed to be issued, it will apply the proceeds therefrom in reduction of, or in total payment of, notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the principal amount of the then outstanding notes.

It is stated that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed \$150 for NEES and each of the subsidiary companies, or an aggregate of \$1,050. It is further stated, that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's Order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than June 22, 1953, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or 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 request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the joint 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 Rules U-20 and U-100 thereof.

By the Commission.

[SEAL]

NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 53-5128; Filed, June 9, 1953;
8:48 a. m.]

[File No. 70-3080]

COLUMBIA GAS SYSTEM, INC., AND UNITED
FUEL GAS CO.

NOTICE REGARDING CASH CAPITAL CONTRIBUTION
BY PARENT COMPANY AND ACQUISITION
OF SECURITIES OF SUBSIDIARY

JUNE 4, 1953.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its public utility subsidiary, United Fuel Gas Company ("United Fuel"), have filed a joint application-declaration with this Commission pursuant to the provisions of sections 6 (b), 9, 10 and 12 (b) of the Public Utility Holding Company Act of

1935 ("act") and Rule U-45 of the rules and regulations promulgated thereunder. All interested persons are referred to said application-declaration which is on file in the office of this Commission for a more detailed statement of the transaction therein proposed, which is summarized as follows:

Columbia, which owns all of the outstanding securities of United Fuel (except for two shares of common stock), proposes to make a cash capital contribution to United Fuel in the amount of \$2,000,000. Columbia will increase its investment in the common stock of United Fuel by \$1,999,989.51 and will charge \$10.49 (the amount of the contribution which is applicable to the minority interest) to operating expense. United Fuel will credit \$2,000,000 to its capital surplus.

United Fuel will issue and sell at par to Columbia \$4,200,000 principal amount of installment promissory notes, which notes will be due in equal annual installments on February 15 on each of the years 1955 to 1979, inclusive. The notes are to bear interest at the rate of 4 percent per annum or such lower rate, being a multiple of $\frac{1}{8}$ of 1 percent, as shall be not less than the "cost of money" to Columbia in respect of debentures anticipated to be issued and sold later this year. Prior thereto, the notes will bear interest at the rate of 4 percent per annum.

It is stated that the proposed transactions are to be consummated in order to provide United Fuel with the funds required to complete the financing of its 1953 construction program and purchase of "cushion" gas in connection with its gas storage program.

It is estimated that United Fuel and Columbia will incur expenses of \$4,870 and \$150, respectively.

United Fuel has made an application to the Public Service Commission of West Virginia for approval of the issuance of notes and receipt of the cash contribution. The order to be issued therein will be supplied by amendment.

Notice is further given that any interested person may, not later than June 18, 1953, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by the said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the

act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL]

NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 53-5130; Filed, June 9, 1953;
8:48 a. m.]

SMALL DEFENSE PLANTS ADMINISTRATION

[S. D. P. A. Pool Request 19]

ADDITIONAL COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN OPERATIONS OF WISCONSIN MANUFACTURERS' DEFENSE POOL, INC., OF MILWAUKEE, WIS.

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the names of the following companies which have accepted the request to participate in the operations of the Wisconsin Manufacturers' Defense Pool, Inc. of Milwaukee, Wisconsin, are herewith published. The original list of companies accepting such requests was published on January 15, 1953, in 18 F. R. 340.

Accurate Pattern Co., 712 South Twelfth Street, Milwaukee, Wis.

Badger Northland, Inc., 215 West Second Street, Kaukauna, Wis.

Electro-Coatings, Inc., 214 North Milwaukee Street, Milwaukee, Wis.

Green Bay Box Co., P. O. Box 613, Green Bay, Wis.

Green Bay Foundry & Machine Works, 401 South Broadway, Green Bay, Wis.

Interior Woodwork Co., 919 West Bruce Street, Milwaukee, Wis.

Libert Machine Co., 324 North Roosevelt Street, Milwaukee, Wis.

Luitink Manufacturing Co., 3374 West Hopkins Street, Milwaukee, Wis.

Milwaukee Malleable & Grey Iron Works, 2773 South Twenty-Ninth Street, Milwaukee, Wis.

Modern Engineering Co., Inc., 215 West North Avenue, Milwaukee, Wis.

Neehan Foundry Co., Neehan, Wis.

Northern Engraving & Machine Co., 1218 Velp Avenue, Milwaukee, Wis.

Plymouth Industrial Products, Inc., Mill Street at Eastern Avenue, Plymouth, Wis.

Louis Reinke Sheet Metal Works, Inc., 526 South Fifth Street, Milwaukee, Wis.

Standard Machine Co., 6545 West State Street, Milwaukee, Wis.

M. J. Wallrich & Lumber Co., Shawano, Wis.

Weasler Engineering & Mfg. Co., P. O. Box 275, West Bend, Wis.

Wells Manufacturing Corp., 2-26 South Brooks Street, Fond du Lac, Wis.

(Sec. 708, 64 Stat. 818, Pub. Law 96, as amended by Pub. Law 429, 82d Cong.; 50 U. S. C. App. 2158; E. O. 10370, July 7, 1952, 17 F. R. 6141)

Dated: June 4, 1953.

Y. BRYNILDSEN,
Acting Administrator.

[F. R. Doc. 53-5136; Filed, June 9, 1953;
8:49 a. m.]