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VOLUME 18 NUMBER 109

Washington, Friday, June 5, 1953

TITLE 3—THE PRESIDENT

PROCLAMATION 3017

FLAG DAY, 1953

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Continental Congress on June 14, 1777, adopted the design of our Nation's flag, which we cherish as the emblem of our freedom, our strength, and our unity; and

WHEREAS the flag also symbolizes our glorious past and our determination to preserve in the future those ideals and principles which are the foundations of our Nation's greatness; and

WHEREAS the Congress, by a joint resolution approved August 3, 1949 (63 Stat. 492), designated June 14 of each year as Flag Day and requested the President to issue annually a proclamation calling for its observance:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby direct that the flag be displayed on all Government buildings on Sunday, June 14, 1953, and I call upon all our people to observe the day with appropriate ceremonies. Let us display the flag proudly at our homes and other suitable places, giving solemn thought to the inestimable privileges of living under its protective stars and stripes, and let us rededicate ourselves to the corresponding obligations—of patriotism, service, and mutual respect—which are inherent in those privileges.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this first day of June in the year of our Lord nineteen hundred and fifty-three, and of the Independence of the United States of America the one hundred and seventy-seventh.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 53-5053; Filed, June 3, 1953; 1:55 p. m.]

REORGANIZATION PLAN NO. 2 OF 1953

Prepared by the President and Transmitted to the Senate and the House of Representatives in Congress Assembled, March 25, 1953, Pursuant to the Provisions of the Reorganization Act of 1949, Approved June 20, 1949, as Amended [1]

DEPARTMENT OF AGRICULTURE

SECTION 1. *Transfer of functions to the Secretary.* (a) Subject to the exceptions specified in subsection (b) of this section, there are hereby transferred to the Secretary of Agriculture all functions not now vested in him of all other officers, and of all agencies and employees, of the Department of Agriculture.

(b) This section shall not apply to the functions vested by the Administrative Procedure Act (5 U. S. C. 1001 et seq.) in hearing examiners employed by the Department of Agriculture nor to the functions of (1) the corporations of the Department of Agriculture, (2) the boards of directors and officers of such corporations, (3) the Advisory Board of the Commodity Credit Corporation, or (4) the Farm Credit Administration or any agency, officer, or entity of, under, or subject to the supervision of the said Administration.

SEC. 2. *Assistant Secretaries of Agriculture.* Two additional Assistant Secretaries of Agriculture shall be appointed by the President, by and with the advice and consent of the Senate. Each such assistant secretary shall perform such functions as the Secretary of Agriculture shall, from time to time, prescribe and each shall receive compensation at the rate prescribed by law for Assistant Secretaries of executive departments.

SEC. 3. *Administrative Assistant Secretary.* An Administrative Assistant Secretary of Agriculture shall be appointed, with the approval of the President, by the Secretary of Agriculture under the classified civil service, and shall perform such functions as the Secretary of Agriculture shall, from time to

[1] Effective June 4, 1953, under the provisions of section 6 of the act; published pursuant to section 11 of the act (63 Stat. 203; 5 U. S. C. Sup. 133z).

(Continued on p. 3221)

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CONTENTS—Continued

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.

CODIFICATION GUIDE—Con.

time, prescribe. The provisions of the item numbered (1) of the third proviso under the heading "General Provisions" appearing in Chapter XI of the Third Supplemental Appropriation Act, 1952, approved June 5, 1952, 66 Stat. 121, are hereby made applicable to the position of Administrative Assistant Secretary of Agriculture.

SEC. 4. *Delegation of functions.* (a) The Secretary of Agriculture may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of Agriculture of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

(b) To the extent that the carrying out of subsection (a) of this section involves the assignment of major functions or major groups of functions to major constituent organizational units of the Department of Agriculture, now or hereafter existing, or to the heads or other officers thereof, and to the extent deemed practicable by the Secretary, he shall give appropriate advance public notice of delegations of functions proposed to be made by him and shall afford appropriate opportunity for interested persons and groups to place before the Department of Agriculture their views with respect to such proposed delegations.

(c) In carrying out subsection (a) of this section the Secretary shall seek to simplify and make efficient the operation of the Department of Agriculture, to place the administration of farm programs close to the state and local levels, and to adapt the administration of the programs of the Department to regional, state, and local conditions.

SEC. 5. *Incidental transfers.* The Secretary of Agriculture may from time to time effect such transfers within the Department of Agriculture of any of the records, property and personnel affected by this reorganization plan and such transfers of unexpended balances (available or to be made available for use in connection with any affected function or agency) of appropriations, allocations, and other funds of such Department, as he deems necessary to carry out the provisions of this reorganization plan; but such unexpended balances so transferred shall be used only for the purposes for which such appropriation was originally made.

[F. R. Doc. 53–5070; Filed, June 4, 1953; 9:14 a. m.]

RULES AND REGULATIONS

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. No. SR–395]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS, OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 61—SCHEDULED AIR CARRIER RULES

SPECIAL CIVIL AIR REGULATION; AUTHORIZATION FOR AIR TAXI OPERATORS TO CONDUCT OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 1st day of June, 1953.

On January 11, 1952, the Board adopted Special Civil Air Regulation SR–378 which provides that air taxi operators, as defined in § 298.1 (a) (2) of Part 298 of the Board's Economic Regulations, shall be certificated and shall conduct operations in accordance with the provisions of Part 42 of the Civil Air Regulations. Section 42.6 of Part 42 provides that air carrier operating certificates issued under that part shall expire one year from the date of issuance. In view of the fact that the current procedure for renewal of air taxi operator certificates issued under Part 42 has no effect on safety standards which cannot be achieved by means of periodic inspections of certificated operators, it is desirable, in the interests of economy and convenience of applicants, to extend the expiration date of air taxi operator certificates to coincide with the expiration date of present Special Civil Air Regulation SR–378.

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

In consideration of the foregoing, the Civil Aeronautics Board hereby rescinds Special Civil Air Regulation SR–378 and makes and promulgates the following Special Civil Air Regulation, effective immediately:

Notwithstanding the provisions of Parts 40, 41, and 61 of the Civil Air Regulations, any air taxi operator as defined in § 298.1 (a) (2) of Part 298 of the Economic Regulations shall be certificated and shall conduct operations in air transportation in accordance with the provisions of Part 42 of the Civil Air Regulations: *Provided*, That any air carrier operating certificate issued for air taxi operations which is in effect on, or issued after, the effective date of this regulation shall remain in effect until the expiration date of this special regulation, unless such certificate is sooner surrendered, suspended, or revoked.

This regulation shall terminate on February 20, 1955, unless sooner terminated or rescinded by the Civil Aeronautics Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53–5033; Filed, June 4, 1953; 8:51 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

MISCELLANEOUS AMENDMENTS

On March 16, 1953, the Commission announced that it had under consideration proposed amendments to certain rules of Article 6 of Part 210 (Regulation S–X) which governs the form and content of financial statements of management investment companies other than those which are issuers of periodic payment plan certificates required to be filed under the Investment Company Act of 1940, the Securities Act of 1933 and the Securities Exchange Act of 1934. It invited all interested persons to submit views and comments on the proposed amendments. The Commission has considered the comments and suggestions received, and has determined that the proposed amendments should be adopted with certain modifications which have been incorporated in the amended rules.

Purpose of amendments. The purpose of the amendment of § 210.6–08 (Rule 6–08) of Article 6 of Part 210 (Regulation S–X) is to segregate the effect of changes in "Undistributed Net Income" account from other changes in net assets and to permit the showing of certain items included presently in the rule subordinate to a general caption "Capital" or "Principal" in order to distinguish more sharply between capital and income.

Section 210.6–09 (Rule 6–09) has been amended in order to provide a simple and self-explanatory title, to clarify the instructions and to distinguish here again more sharply between capital and income.

The use of the optional *Statement of sources of net assets* prescribed by § 210.6–09 (Rule 6–9) is extended to closed-end companies having only one class of outstanding capital securities and reflecting their assets at value.

To avoid misinterpretation of the qualifying parenthetical phrase "(excluding gain or loss on investments)" presently shown in § 210.6–09–6 (Rule 6–09–6), which was understood by some as calling attention to the existence of additional income or loss and by others as emphasizing the exclusion[1] of such gains or losses from income, the qualifying phrase has been omitted from § 210.6–09–6 (Rule 6–09–6) and §§ 210.6–03–21 (a) (2), 210.6–04, 210–6–04 (b)–7 and 210.6–07–2 (Rules 6–03–21 (a) (2), 6–04, 6–04 (b)–7 and 6–07–2), which latter four rules also include the qualifying phrase. Further, since the rules require that all three elements[1] of performance during the period be separately stated but assembled on one page, it appears appropriate to discard the qualifying phrase in the above rules.

Statutory basis. The amendments of the rules are adopted pursuant to authority conferred upon the Commission by the Securities Act of 1933, particularly sections 7, 10 and 19 (a) thereof, the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof, and the Investment Company Act of 1940, particularly sections 8, 30, 31 (c) and 38 (a) thereof.

Text of amendment of rules. The texts of the amendments of the rules hereby adopted are as follows:

I. Sections 210.03–21 (a) (2), 210.6–04, 210.6–04 (b)–7 and 210.6–07–2 (Rules 6–03–21 (a) (2), 6–04, 6–04 (b)–7 and 6–07–2) are amended by deleting from each of these rules the qualifying parenthetical phrase "(excluding gain or loss on investments)."

II. Section 210.6–08 (b) (1) (Rule 6–08 (b) (1)) is amended by adding to the instruction the following sentence: "Show parenthetically or otherwise the balance of undistributed net income included in net assets at the beginning of the period."

Section 210.6–08 (b) (8) (Rule 6–08 (b) (8)) is amended by adding to the instruction the following sentence: "Show parenthetically or otherwise the balance of undistributed net income included in net assets at the end of the period."

Section 210.6–08 (b) (Rule 6–08 (b)) is amended by inserting the following general instruction immediately following § 210.6–08 (b) (8) (Rule 6–08 (b) (8)): "Captions (b) (3) to (6), inclusive, may be shown subordinate to a general caption 'Capital.' If appropriate, the term 'Principal' may be used in place of 'Capital.'"

III. Section 210.6–09 (Rule 6–09) is deleted and the following amended § 210.6–09 (Rule 6–09) is substituted therefor:

§ 210.6–09 *Statement of sources of net assets.* Companies having only one class of outstanding capital securities, and reflecting all assets at value, may combine captions 20 and 21 (a) (1) of § 210.6–03 (Rule 6–03): *Provided* (1) The analyses prescribed by § 210.6–03–21 (b) Rule 6–03–21 (b)) are furnished and (2) other information comparable to that prescribed by captions 20 to 24 of § 210.6–03 (Rule 6–03) is set forth in substantially the following form:

(a) *Capital.* If appropriate, the term *Principal* may be used in place of this caption.

(1) *Excess of amounts received from sale of capital shares over amounts paid out in redeeming or reacquiring shares.* State here or in a footnote the number of shares authorized, the number of shares outstanding, and the capital shares liability thereof. The information required by § 210.6–02–8 (Rule 6–02–8) shall be given in a footnote or by reference to the statement of changes in net assets.

(2) *Aggregate distributions from net proceeds from sale of capital shares.* See also § 210.6–07–1 (b) Rule 6–07–1 (b)).

(3) *Balance of capital paid in on shares.*

(4) *Accumulated net realized gain or loss on investments.*

(5) *Accumulated distributions of realized gain on investments.* The amount shown under this subparagraph shall be added to or deducted from subparagraph (4) of this paragraph as appropriate to give a single total which need not be separately designated. See § 210.6–07–3 (Rule 6–07–3) with respect to companies organized or most recently reorganized prior to January 1, 1925.

(6) *Unrealized appreciation or depreciation of assets.* (See § 210.6–02–9 (Rule 6–02–9).)

(7) *Total of subparagraphs (1) to (6), inclusive, of this paragraph.*

(b) *Balance of undistributed net income.*

(c) *Net assets applicable to outstanding shares.*

The proposal to amend § 210.6–09 (Rule 6–09) did not extend its application to closed-end companies. Since, however, the amendment of § 210.6–09 (Rule 6–09) to include closed-end companies has been adopted pursuant to requests of certain registrants and since it extends a privilege to all registrants and is not adverse to investors, the Commission finds that the giving of notice and the institution of public rule making procedure pursuant to section 4 of the Administrative Procedure Act with respect to the applicability of § 210.6–09 (Rule 6–09) to closed-end companies are unnecessary.

Effective date. The foregoing amended rules shall become effective July 1, 1953; however, they may, at the option of the registrant, be applied immediately.

(Secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 38, 54 Stat. 841; 15 U. S. C. 77s, 78w, 80a–37. Interpret or apply secs. 7, 12, 13, 15, 48 Stat. 78, 892, 894, 895, as amended, secs. 9, 39, 54 Stat. 805, 842; 15 U. S. C. 77g, 781, 78m, 78o, 80a–8, 80a–38)

By the Commission.

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

MAY 29, 1953.

[F. R. Doc. 53–5006; Filed, June 4, 1953; 8:46 a. m.]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

MISCELLANEOUS AMENDMENTS

Purpose of amendments. The Securities and Exchange Commission today announced the adoption of amendments to §§ 210.6–07–1 (a), 210.6–07–2, 210.6–07–3 and 210.6–08 (b) of Article 6 of Part 210 (Regulation S–X) for the purpose of permitting registrants to state the dividends paid per share during the period of the report in an aggregate amount for each source of dividends paid instead of showing the dates and

[1] Net income from interest, dividends and other income; net realized gain or loss on investments; and increase or decrease of unrealized appreciation or depreciation of assets.

amounts per share of dividends paid on a quarterly or other basis during the period as the above rules in part require presently.

Statutory basis. The amendments of the rules are adopted pursuant to authority conferred upon the Commission by the Securities Act of 1933, particularly sections 7, 10 and 19 (a) thereof, the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof, and the Investment Company Act of 1940, particularly sections 8, 30, 31 (c) and 38 (a) thereof.

Text of amendment of rules. Section 210.6-07-1 (a) (Rule 6-07-1 (a)), last sentence is amended by substituting therefor the following sentence: "State in a footnote or otherwise the aggregate amount per share of dividends paid during the period of the report."

Section 210.6-07-2 (Rule 6-07-2), paragraph one, last sentence is amended by substituting therefor the following sentence: "State in a footnote or otherwise the aggregate amount per share of dividends paid during the period of the report."

Section 210.6-07-3 (Rules 6-07-3), last sentence is amended by substituting therefor the following sentence: "State in a footnote or otherwise the aggregate amount per share of dividends paid during the period of the report."

Section 210.6-08 (b) (Rule 6-08 (b)), last paragraph is amended by substituting therefor the following paragraph:

State in a footnote or otherwise to subparagraphs (2), (3), and (6) of this paragraph the aggregate amount per share of dividends paid during the period of the report.

Since the amendments have been adopted pursuant to requests of certain registrants and since it extends a privilege to all registrants and is not adverse to investors, the Commission finds that the giving of notice and the institution of public rule making procedure pursuant to section 4 of the Administrative Procedure Act are unnecessary. The amendments shall become effective immediately.

(Secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 38, 54 Stat. 841; 15 U. S. C. 77s, 78w, 80a-37. Interpret or apply secs. 7, 12, 13, 15, 48 Stat. 78, 892, 894, 895, as amended, secs. 9, 39, 54 Stat. 805, 842; 15 U. S. C. 77g 781, 78m, 78o, 80a-8, 80a-38)

By the Commission.

ORVAL L. DUBOIS,
Secretary.

MAY 29, 1953.

[F. R. Doc. 53-5007; Filed, June 4, 1953; 8:46 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 92—BUREAU OF THE MINT PROCEDURES AND DESCRIPTIONS OF FORMS

The Bureau of the Mint statement of procedures and descriptions of forms (31 CFR Part 92) is hereby amended and revised for the purpose of incorporating therein certain changes necessitated by recent amendments to the Gold Regulations (31 CFR Part 54; 17 F. R. 7880, 11441). Accordingly, as amended and revised, 31 CFR Part 92 will read as follows:

SUBPART A—PROCEDURES

Sec.
92.1 1933 gold orders.
92.2 Melted or treated gold improperly withheld.
92.3 Regulations governing gold.
92.4 Applications for gold licenses.
92.5 Issuance of gold licenses.
92.6 Gold which may be purchased by the United States.
92.7 Deposits of gold bullion with a mint or assay office for return in bar form.
92.8 Acceptability of gold deposits.
92.9 Deposit of newly mined domestic silver with a mint or assay office.
92.10 Deposit of silver for return in bar form.
92.11 Silver contained in gold bullion.
92.12 Receipt of bullion deposits.
92.13 Handling of bullion deposits.
92.14 Charges on bullion deposited.
92.15 Payment for bullion deposits.
92.16 Advance payment.
92.17 Redemption and deposit of United States coin.
92.18 Sale of gold.
92.19 Sale of "proof" gold.
92.20 Sale of silver.
92.21 Sale of "proof" silver.
92.22 Assays of bullion and ores.
92.23 Manufacture of medals.
92.24 Sale of "list" medals.
92.25 Manufacture of "proof" coins.
92.26 Informal consultations.
92.27 Opinions, rulings and orders available to the public.
92.28 Matters of official record.
92.29 Official.
92.30 Requests for information or official records.
92.31 Procedures for denying an application for a gold license, for revoking, suspending, modifying a license, and for excluding any person from the privileges or authorizations conferred in Part 54 of this chapter.

SUBPART B—DESCRIPTION OF FORMS AND REQUIRED STATEMENTS

92.40 Description of; copies of forms.

FORMS RELATING TO GOLD MATTERS

92.41 Form TG-11: Application for license to export gold coin.
92.42 Form TG-12: Application for a gold license.
92.43 Form TGR-12: Quarterly report of scrap gold dealers.
92.44 Form TGR-13: Quarterly report for holders of licenses on Form TGL-13 and TGL-13-A.
92.45 Form TGR-14: Quarterly report for holders of licenses on Form TGL-14.
92.46 Form TG-15: Application for license to export or transport semi-processed gold from the continental United States.
92.47 Statement to accompany applications to export semi-processed gold.
92.48 Form TG-15 (General): Application for general license to export semi-processed gold from the United States for use in the dental profession.
92.49 Form TGR-15 (General): Report for holders of general licenses on Form TGL-15 (General).
92.50 Form TG-15-B: Application for general licenses to export gold from the continental United States in any form for refining or processing.
92.51 Form TGR-15-B: Monthly report for holders of general licenses on Form TGL-15-B.
92.52 Form TG-16: Application for license to export gold refined from imported gold-bearing materials.
92.53 Supplemental to application on Form TG-16: Certificate of no Communist Chinese or North Korean interest.
92.54 Form TG-17: Application for license to import, hold, transport, and export transit gold.
92.55 Form TG-18: Application for license to acquire, transport, melt or treat, import, export or earmark gold or hold gold in custody for foreign or domestic account.
92.56 Form TG-19: Certification accompanying deposits by persons who have recovered gold by mining or panning.
92.57 Form TG-20: Certification accompanying deposits by persons who have recovered gold in the regular course of their business of operating a custom mill, smelter, or refinery.
92.58 Form TG-21: Certification accompanying deposits by persons purchasing gold directly from miners or panners.
92.59 Form TG-22: Certification of depositor of scrap gold.
92.60 Form TG-23: Certification of depositor of gold (other than United States gold coin) imported into the United States after January 30, 1934.
92.61 Form TG-24: Certification to Treasury Department by direct user of gold.
92.62 Form TG-25: Certification to Treasury Department by person engaged in the business of furnishing gold for use in industry, profession, or art.
92.63 Form TG-26: Certification to accompany deposit of gold refined from gold-bearing material imported into the United States.
92.64 Form TG-28: Statement of depositor of gold recovered from Mint sweeps.
92.65 Form TG-29: End-use certificate for semi-processed gold.
92.66 Form TG-30: Statement of holder of melted gold.

FORMS RELATING TO SILVER MATTERS

92.75 Application to purchase silver from the Treasury Department under the act of July 31, 1946 (60 Stat. 750; 31 U. S. C. 316d).
92.76 Forms prescribed (for deposits) under the act of July 6, 1939.
92.77 Forms prescribed (for deposits) under the act of July 31, 1946.

AUTHORITY: §§ 92.1 to 92.77 issued under R. S. 161; 5 U. S. C. 22.

SUBPART A—PROCEDURES

§ 92.1 *1933 gold orders.* With certain exceptions, all persons subject to the jurisdiction of the United States were required to deliver to the Treasurer of the United States all gold coins (except those which were of recognized special value to collectors of rare and unusual coins), gold bullion, and gold certificates situated in the United States, pursuant to Executive Order No. 6102 of April 5, 1933, Executive Order 6260 of August 28, 1933 (31 CFR, 1938 ed., Part 50), and the Order of the Secretary of the Treasury of December 28, 1933 (31 CFR, 1938 ed., Part 52), (referred to in this part as the gold orders). Gold coins, bullion, and certificates withheld in violation of the gold orders are still required to be delivered in accordance therewith.

§ 92.2 *Melted or treated gold improperly withheld.* Persons holding gold in melted or treated form which was required to be delivered by the gold orders, or which is not authorized to be held under the Gold Regulations issued under the Gold Reserve Act of 1934 and section 5 (b) of the act of October 6, 1917, as amended (Part 54 of this chapter) (referred to in this part as the gold regulations), should immediately deliver such gold to a mint or assay office. Payment for gold held in noncompliance with the gold orders is governed by the Instructions of the Secretary of the Treasury of January 17, 1934 (Part 53 of this chapter).

§ 92.3 *Regulations governing gold.* Gold in any form may be presently acquired, held, transported, melted or treated, imported, exported, earmarked or disposed of only in accordance with the Gold Regulations, set forth in Part 54 of this chapter, and the procedural requirements of this part.

§ 92.4 *Applications for gold licenses.* Applications for gold licenses may be filed directly with the office of the Director of the Mint or submitted through the United States Mint or Assay Office in the district in which the applicant has his principal place of business. The office of the Director makes the determination as to the eligibility of the applicant to receive a gold license.

§ 92.5 *Issuance of gold licenses.* The Director of the Mint issues or causes to be issued gold licenses in accordance with the provisions of Part 54 of this chapter (Gold Regulations). In addition to determining whether applicants satisfy the specific requirements for the issuance of a gold license, the Bureau investigates the general business reputation, character and financial responsibility of the applicant before authorizing the issuance of a gold license.

§ 92.6 *Gold which may be purchased by the United States.* For categories of gold which are purchased by the mints and assay offices, the requirements for acceptability of such gold, and the purchase price under the Gold Regulations, see Part 54, Subpart F of this chapter and § 92.8. Disposition of gold not eligible for purchase under Part 54 of this chapter (Gold Regulations) is determined by the Director of the Mint, except that gold held in noncompliance with the gold orders is purchased in acordance with the Instructions of the Secretary of the Treasury of January 17, 1934. No return or payment is made for metal other than gold or silver contained in the deposit.

§ 92.7 *Deposits of gold bullion with a mint or assay office for return in bar form.* Any owner of gold bullion, lawfully entitled to hold such gold, may deposit it at the mint or assay office in the district in which is located his residence or his principal place of business, for return in the form of stamped bars (but in no case is a gold bar of less weight than 5 ounces made or issued) when licensed to receive such bars under Part 54 of this chapter (Gold Regulations).

§ 92.8 *Acceptability of gold deposits.* If a gold deposit contains less than one ounce of fine gold, less than 200 parts of gold in 1,000, or if the report of the Assayer indicates it is unsuitable for mint operations, it will not be purchased. An unacceptable deposit may be returned to the depositor only if he is authorized under Part 54 of this chapter (Gold Regulations) to hold such gold in such amounts. If the depositor is not authorized to hold such gold, at his request and by authorization of the Director, it is forwarded for his account to a refiner or other person licensed to acquire and hold such gold.

§ 92.9 *Deposit of newly-mined domestic silver with a mint or assay office.* Any owner of newly mined domestic silver, mined subsequently to July 1, 1939, as defined in the Newly mined Domestic Silver Regulations of July 6, 1939, as amended and supplemented (Part 80 of this chapter), may deposit such silver at the mints; return for such silver is made in accordance with such regulations. Deposits of newly mined domestic silver must be accompanied by duly executed affidavits satisfactory to the mint as evidence that such silver is eligible for deposit. As a matter of convenience to the public, the assay office at Seattle will accept eligible silver for the account of the mint at San Francisco. When specifically authorized by the Director, the Assay Office at New York will accept eligible silver for the account of the mint at Philadelphia. Silver of this category will be accepted provided it contains at least 200 parts in 1,000 of silver or of gold and silver combined. The gold content of such deposits will be paid for at the rate set forth in § 54.44 of this chapter upon compliance with § 54.36 of this chapter. No payment or return will be made for other metal contained in the deposit.

§ 92.10 *Deposit of silver for return in bar form.* Silver bullion not eligible for deposit under § 92.9 may be deposited at any mint or assay office for return in the form of unparted stamped bars; and at the mints and the New York Assay Office for return in refined stamped bars: *Provided,* That such silver contains not less than 600 parts of silver in 1,000 and not more than 10 parts of gold in 1,000. (The gold content of such deposits if eligible for purchase under § 54.37 of this chapter is paid for at the price set forth in § 54.44 of this chapter; no return is made for base metal contained in the deposit.) No silver bar of less than 25 ounces is issued by any mint or assay office except in exchange for a deposit containing less than 25 ounces, and in no case is a bar of silver of less weight than 5 ounces made or issued by any mint or assay office.

§ 92.11 *Silver contained in gold bullion.* At the option of the depositor, silver contained in gold bullion (other than newly mined as set forth in § 92.9) sold to the Government is returned to the depositor in the form of silver bars or purchased at such valuations as are from time to time established by the Director of the Mint.

§ 92.12 *Receipt of bullion deposits.* As a matter of expedience and convenience to the public, the officers in charge of the mint institutions are authorized to receive deposits of bullion by express or mail. In cases where doubts may arise as to the ownership and eligibility or any other pertinent factor concerning deposits, the officers may decline to receive deposits unless made in person. When gold or silver deposits are received by express or mail, or when formal receipts are not requested by the depositors of silver bullion, memorandum receipts are issued to the depositors. Whenever the depositor of silver requests a formal receipt, he is given a receipt on Form 7a for the before-melting weight of his deposit. No receipt on Form 7a may be given to a depositor of gold bullion. Receipts on Form 7a must be surrendered, properly indorsed by the depositor at the time payment is made for the silver bullion represented thereby. If the depositor of silver bullion loses his receipt on Form 7a, it is necessary for him before payment is made to give a bond of indemnity for double the value of the deposit.

§ 92.13 *Handling of bullion deposits.* (a) All bullion deposited or purchased at any of the mints or assay offices is weighed, when practicable, in the presence of the depositor or his agent, and the weight is verified by some official or competent employee of the mint. Weights are recorded in troy ounces and hundredths of an ounce. In receiving and weighing deposits, fractions of one-hundredths of an ounce are disregarded. When several parcels are deposited by the same depositor at the same time they may be weighed separately at his request, but separate assays are made only subject to separate melting charges for each parcel assayed.

(b) The Assayer takes at least two samples in sufficient portions for assay from each deposit of bullion. The proportion of the gold, silver and base metal contained, as well as the charges to which the deposit is subject, are indicated by the Assayer on a special form provided for that purpose, which is signed by the Assayer. This form also contains the depositor's name, the number and date of the deposit, the class of bullion, the weight before and after melting and the deductions, if any, to which the deposit has been subjected.

§ 92.14 *Charges on bullion deposited.* The charges for the various operations on bullion deposited and for the preparation of bars are fixed from time to time by the Director of the Mint, with the concurrence of the Secretary of the Treasury, so as to equal but not exceed in their judgment the actual average cost to each mint and assay office of the material, labor, wastage and use of machinery employed. The current charges are set forth in the Table of Charges (Part 90 of this chapter). Depositors are credited with the after-melting weight of their bullion. The detailed memorandum of the weight of bullion after melting, the report of the Assayer as to fineness, the value of the deposit and the amount of the charges is given to the depositor.

§ 92.15 *Payment for bullion deposits.* Payment for bullion is made, in so far as practicable, in the order in which the deposits are received at the mint, by check drawn in favor of the depositor (or if payment is for silver bullion to such other person as he may designate), except when cash is requested. In no case is a check in payment of a deposit drawn in favor of any officer or employee of the institution where the deposit is made, and in no case may any person employed in the institution act as agent for the depositor. Checks may be sent by ordinary mail at the risk of the payee or by registered mail at their request and expense.

§ 92.16 *Advance payment.* When the approximate fineness of a deposit of bullion containing $5,000 or more in gold or 5,000 or more ounces of silver may be readily determined, partial payment of 90 percent of the value may be made in the discretion of the officer in charge. If the fineness is closely determined by assay, and the deposit is awaiting remelting and reassay for exact determination, partial payment up to 98 percent of the value may be made. Partial payment of 96 percent of the declared value of a deposit of foreign coin valued at at least one million dollars may be made after its weight and approximate value have been determined. On a deposit of a million dollars in value of gold bullion not less than 0.995 fine, payment of 93 percent of the declared value may be made after the weight and approximate value have been determined. Other advances may be authorized by the Secretary of the Treasury. In any case of an advance the depositor must give a written guaranty that the value of the deposit is at least equal to the amount advanced.

§ 92.17 *Redemption and deposit of United States coin.* (a) United States gold coin is received at the mint institutions in accordance with the Instructions of the Secretary of the Treasury of January 17, 1934. Coin eligible for acceptance under such instructions if of legal weight is paid for at face value; if worn or mutilated is received as standard metal without previous melt or assay (except when it may be necessary to establish the amount of foreign substance present that cannot otherwise be determined), and is paid for as bullion at the rate of $20.67+ per ounce of fine gold.

(b) The regulations governing the redemption and exchange of silver and minor coins are set forth in Part 100 of this chapter.

§ 92.18 *Sale of gold.* The regulations governing the sale of gold by mint institutions and the sale price thereof are set forth in §§ 54.51 and 54.52 of this chapter. Payment for the gold is required at the time of delivery of the bars. Payment by check will be accepted but delivery will not be made until the check has been deposited by the officer in charge of the institution and has cleared.

§ 92.19 *Sale of "proof" gold.* "Proof" gold (i. e., gold at least 0.9999+ fine) is sold only in exceptional cases upon specific authorization of the Director of the Mint, at a charge equal to $35 per fine troy ounce plus one-quarter of one percent plus cost of manufacture.

§ 92.20 *Sale of silver.* An application for the purchase of silver may be filed with the mint or assay office in the district in which the applicant has his principal place of business, on forms which are available at all mints and assay offices and the Office of the Director of the Mint. The right is reserved to supply the silver, however, from any other mint institution if the interest of the Government so requires. Silver will be sold only in amounts required for manufacturing use in the normal conduct of the applicant's business. Applications for unusual amounts of silver are required to be referred to the Office of the Director of the Mint for approval before the sale can be made. Silver is sold at a price not less than 90.5 cents per fine troy ounce. Transportation charges from the mint institution to the purchaser are paid by the purchaser. Payment for silver may be made in the same manner as set forth for gold in § 92.18.

§ 92.21 *Sale of "proof" silver.* "Proof" silver (i. e., silver 0.9999+ fine) is sold only in exceptional cases upon specific authorization of the Director of the Mint at a rate established from time to time which includes the cost of manufacture. "Proof" silver may also be supplied in exchange for silver furnished by the applicant, with appropriate charges to cover the cost of manufacture.

§ 92.22 *Assays of bullion and ores.* Samples of bullion are assayed for the public at all mint institutions at the charges set forth in the Table of Charges (Part 90 of this chapter). Samples of ores are assayed at the Seattle Assay Office at the charges set forth in the Table of Charges.

§ 92.23 *Manufacture of medals.* With the approval of the Director of the Mint, dies for medals of a national character may be executed and struck at the Philadelphia Mint. Mint institutions are not authorized to prepare dies for private medals. However, when in the opinion of the Director the regular business of the Mint permits and when the Director so specifically authorizes, private medals may be struck from dies furnished by the parties in interest; charges are assessed to cover the cost of the operations. Application for the manufacture of such medals may be made by letter to the Superintendent of the Mint at Philadelphia.

§ 92.24 *Sale of "list" medals.* Medals on the regular mint list, when available, are sold to the public at a charge sufficient to cover their cost. Copies of the list of medals available for sale and their selling prices may be obtained from the Superintendent of the Mint at Philadelphia.

§ 92.25 *Manufacture of "proof" coins.* "Proof" coins, i. e. coins prepared from blanks specially struck and polished, are made by the Mint at Philadelphia, upon specific authorization by the Director and are sold by the Superintendent at a price fixed by the Director, which is face value plus a charge sufficient to cover the additional expense of their preparation. Their manufacture and issuance are contingent upon the demands of regular operations. "Proof" coins are made only in the regular issues and designs of the coins of the year in which they are struck.

§ 92.26 *Informal consultations.* Officials of the Bureau of the Mint are available by appointment for consultation on problems involving the functions of the Bureau, interpretation of regulations, or similar matters.

§ 92.27 *Opinions, rulings and orders available to the public.* Final opinions, rulings and orders issued by the Bureau of the Mint in specific cases in connection with administration of the gold and silver regulations and other mint matters are not cited as precedents and, accordingly, are not published or made available to the public except in the discretion of the Director of the Mint upon specific request and a showing of legitimate interest therein. Rulings and opinions of general applicability are available to the public upon written request to the Director.

§ 92.28 *Matters of official record.* The following are deemed to be matters of official record within the meaning of section 3 (c) of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1002 (c)):

(a) Applications for gold licenses.

(b) Gold licenses.

(c) Applications or End-Use certificates for the purchase of gold supplied to the mints and assay offices or to authorized gold dealers.

(d) Reports submitted by gold licensees and by depositors of silver.

(e) Audit reports of silver refining companies and persons having transactions in other than monetary gold made by field auditors of the Mint Bureau.

(f) Affidavits and statements accompanying deposits of gold and silver.

(g) Records of before-melting weight of gold and silver.

(h) Final report of assay and calculation of value of bullion (supplied to depositor).

(i) Transcripts of hearings with exhibits and other supporting documents.

(j) Correspondence relating to each of the above.

(k) Investigative reports.

(l) Rulings and opinions issued in connection with administration of gold and silver regulations and other mint matters.

§ 92.29 *Official—(a) Official records deemed confidential.* Official records falling within § 92.23 (a) through (k) are held to be confidential for the following causes: (1) They do not contain information of legitimate concern to the general public; (2) they may contain information of a confidential nature concerning the commercial and industrial affairs and activities of individuals and enterprises; and (3) to permit general inspection of such documents would violate public and private confidence.

(b) *Availability of official records deemed confidential.* Official records

deemed confidential are available for inspection as follows:

(1) An applicant for a gold license and his agent or successor in interest may inspect documents included in § 92.28 (a), (b), (c), (d), and (j) which refer to his application;

(2) Gold licensees, persons whose licenses have been revoked, persons whose applications have been denied, and their agents or successors in interest may inspect documents included in § 92.28 (a), (b), (c), (d), (i), and (j) which refer to their applications or licenses;

(3) Depositors of gold or silver may inspect documents included in § 92.28 (f) through (h) and (j) which refer to their deposit; and

(4) Persons properly and directly concerned, upon the furnishing of a court order therefor entered in pending litigation, or in lieu thereof with the written consent of the person authorized to inspect the documents under paragraphs (a), (b) or (c) of this section, may inspect documents included in § 92.28 (a) through (j); and

(5) Any person showing a legitimate interest therein will be advised as to the form and amount of a license held by any person.

(6) Upon official requests of other governmental agencies or officers thereof, acting in their official capacities, the records included in § 92.28 may be made available to them.

(c) *Information for applicants.* Applicants will be advised of the records which they will be permitted to examine, the time and place of examination. In certain instances, where facilities permit, copies of documents may in the discretion of the Director be sent to the applicant. A reasonable fee may be charged for furnishing copies of official records.

§ 92.30 *Requests for information or official records.* Requests for information or to examine matters of official record should be directed to the Director of the Mint. The request should clearly state the information desired and set forth the interest of the applicant in the subject matter and the purpose for which the information is desired. If the applicant is an agent or attorney acting for another, he should attach to the application evidence of his authority to act for his principal.

§ 92.31 *Procedures for denying an application for a gold license, for revoking, suspending, modifying a license, and for excluding any person from the privileges or authorizations conferred in Part 54 of this chapter*—(a) *Investigations.* The Director of the Mint is authorized to make or cause to be made such investigations as the Director deems necessary to assist in the consideration of any applications for licenses or in the administration and enforcement of the Gold Reserve Act of 1934 (31 U. S. C. 440), section 5 (b) of the act of October 6, 1917, as amended (12 U. S. C. 95a (3)), and Part 54 of this chapter (Gold Regulations). In general, such investigations are conducted by the staff of the gold unit of the Bureau of the Mint under the direction and supervision of the Chief of the Gold and Silver Division. Subpoenas are issued by the Director of the Mint in accordance with the provisions of § 54.26 of this chapter, and may require the appearance and testimony of any person believed to have knowledge of any pertinent facts and the production of any documents or records specified in § 54.26 of this chapter or otherwise deemed to be relevant to the inquiry, at any designated place.

(b) *Notification*—(1) *Notification to person whose application has been denied, whose license has been revoked, suspended or modified, or who has been excluded from any authorization or privilege.* Any person whose application for an initial gold license, or for a renewal of an existing license is denied, whose gold license is revoked, modified or suspended, or who is excluded from any privilege or authorization conferred in Part 54 of this chapter, shall be notified by the Director of the Mint by registered letter mailed to the last address of such person on file with the Bureau of the Mint, of such denial, revocation, suspension, modification, or exclusion. Such notice shall contain a concise statement of the grounds for any such action, and shall, in appropriate cases, inform the party proceeded against of his right to reconsideration under paragraphs (c) and (d) of this section: *Provided,* That the notice is answered in writing or a hearing is requested within 15 days after receipt of such notice, or within such different time as the Director of the Mint may, for special cause, prescribe.

(2) *Notification by show-cause order.* In the first instance, the Director of the Mint may, by registered letter addressed to the last address of the respondent on file with the Bureau of the Mint, require any such person to show cause why his Treasury Department gold license should not be revoked, modified or suspended, or to show cause why he should not be excluded from any privileges or authorizations conferred in Part 54 of this chapter. Such show-cause order shall set forth the specific violations charged, including references to the particular regulatory provisions alleged to have been violated, and shall give notice of the sanctions which may be imposed in the event respondent is found to have committed the alleged violations, i. e., whether his license will be revoked, modified or suspended, or he will be excluded from any privilege or authorization contained in Part 54 of this chapter or both. Such order shall advise the respondent that in the event of a failure to answer the charges in writing or to request a hearing within 15 days from the date of receipt of the show-cause order, or within such other time as the Director of the Mint shall, for special cause, prescribe, he shall be held in default, in which case the Director shall issue a final decision, all intervening proceedings being deemed waived because of such default. A show-cause order issued under this subparagraph may also require the appearance and testimony of any person believed to have knowledge of any pertinent facts, and the production of any documents or records specified in § 54.26 of this chapter, or otherwise deemed to be relevant to the inquiry.

(c) *Requests for reconsideration.* A written request for reconsideration of any action of which notification has been given under paragraph (b) (1) of this section, setting forth in detail the basis for such request, or an answer to a show-cause order issued pursuant to paragraph (b) (2) of this section may be addressed to the Director of the Mint, Treasury Department, Washington 25, D. C. In addition, upon written request the Director will schedule a formal hearing in the matter at which time there may be brought to the attention of the Bureau of the Mint any information bearing thereon. If the respondent so desires he may waive the formal hearing and have the case considered by the Director of the Mint on the basis of his written answer.

(d) *Hearings*—(1) *Initiation of proceedings.* In any case of a request for a formal hearing made in accordance with the provisions of paragraph (c) of this section, the Director of the Mint shall send a charging letter notifying the respondent of the basis upon which action denying his application, revoking, suspending or modifying his license, or excluding him from any privilege or authorization contained in Part 54 of this chapter was taken. The charging letter shall inform the respondent of the time and place of the hearing, and shall be sent by registered mail to the last address of the respondent on file with the Bureau of the Mint. The specific violations charged and references to the particular laws and regulations alleged to have been violated shall be included in the charging letter: *Provided, however,* That, in the event that proceedings are initiated by show-cause order issued by the Director of the Mint in accordance with the provisions of paragraph (b) (2) of this section, such show-cause order and any amendments thereto, shall constitute the charging letter.

(2) *Preliminary informal conferences.* Prior to any hearing conducted under subparagraph (3) of this paragraph, there may be held, at the request of either party and with the consent of both parties, a preliminary informal conference, for the purpose of settling or simplifying the issues by consent of the parties.

(3) *Formal procedures*—(i) *Presiding officers.* Hearings under this subparagraph shall be conducted by the Director of the Mint or by an independent hearing examiner duly appointed and qualified by the Civil Service Commission and designated by the Director of the Mint to provide. The presiding officer shall have authority in connection with the hearing to administer oaths and affirmations, rule upon offers of proof, take or cause depositions to be taken whenever the ends of justice would be served thereby, regulate the course of the hearing, hold conferences for the settlement or simplification of the issues by consent of the parties, dispose of procedural requests or similar matters, and take other action consistent with the rules and regulations of the Bureau of the Mint and other requirements of law.

(ii) *Conduct of hearings.* The Bureau of the Mint and the respondent may

offer any oral or documentary evidence relevant and material to the charges specified in the charging letter or the show-cause order. The exclusionary rules of evidence prevailing in courts of law shall not be applied. However, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Respondent and the agency may be represented by counsel. The proceedings shall be duly reported and a full transcript thereof filed with the Office of the Director of the Mint. After both parties have had a full opportunity to offer all oral and documentary evidence bearing on the charges, to conduct such cross-examination as may be required for a full and complete development of the facts, and to submit rebuttal evidence, the hearing examiner shall declare the hearing adjourned.

(iii) *Submission of corrections in the record, proposed findings, and conclusions.* Upon adjournment of the hearing, copies of the transcript shall be submitted to the respondent and to counsel for the Bureau of the Mint, who may, within 15 days after receipt thereof or within such other time as the presiding officer may, for special cause prescribe, submit to the presiding officer a statement in writing setting forth proposed findings and conclusions, which may be accompanied by a brief in support thereof, and proposed corrections in the record. The presiding officer may, upon the request of any party allow the submission of a reply brief in any case involving disputed questions of law: *Provided, however,* That except in justified cases, the presiding officer shall allow, for the submission of a reply brief, a period of not more than ten days after the party requesting the opportunity to submit a reply has received the brief of the opposing party. If respondent or counsel for the Bureau of the Mint submits any proposed findings or conclusions, briefs, or corrections in the record, he shall, as promptly as practicable, furnish copies thereof to the opposing side. All such submittals shall be a part of the record.

(iv) *Requests to re-open a hearing.* The presiding officer may upon written request re-open a proceeding at any time prior to his report, or should the Director of the Mint preside at the hearing, then prior to the final decision, for the purpose of hearing any relevant and material evidence which was unknown or which was unobtainable at the time of the original hearing. The request for re-opening shall contain a summary of such evidence, the reasons why it is considered to be material and relevant, and the reasons why it could not have been presented at the original proceeding.

(v) *Hearing examiner's report.* In any case in which a hearing is conducted by an independent hearing examiner, such examiner, within 30 days after the expiration of the time allowed for filing proposed findings and conclusions and briefs, or within such different period as the Director of the Mint may prescribe, shall file with the Director of the Mint his report containing his findings of fact, recommended decision, and rulings on any corrections in the record submitted under subdivision (iii) of this subparagraph. A copy of such report shall be forthwith furnished to the respondent and to counsel for the Bureau of the Mint by the Director of the Mint.

(vi) *Exceptions.* Within 15 days after receipt of a copy of the hearing examiner's report the respondent or counsel for the Bureau of the Mint may file exceptions to the recommended decision of the hearing examiner, or any portion thereof, or to his failure to follow a proposed finding or conclusion, or to the admission or exclusion of evidence, and within such period he may file a brief in support of his contentions and exceptions. All such submittals shall be addressed to the Director of the Mint. A copy of such exceptions and briefs shall be furnished to the opposing side.

(vii) *Decision.* Final decision in the case shall be made by the Director of the Mint, after reviewing the record and all exceptions thereto. Copies of such decision shall forthwith be furnished to the respondent and to counsel for the Bureau of the Mint.

(e) *Issuance of temporary license or authorization.* Any person whose license has been suspended, revoked or modified, or who has been excluded from any of the privileges or authorizations conferred in Part 54 of this chapter, and who has requested a reconsideration of such suspension, revocation, modification or exclusion, in accordance with the provisions of paragraphs (c) and (d) of this section may be permitted during the pendency of any such proceeding, to operate under a temporary license or authorization upon such terms and conditions as the Director of the Mint shall prescribe, unless, in the opinion of the Director, the issuance of such a temporary license or authorization would be contrary to the public interest.

Subpart B—Description of Forms and Required Statements

§ 92.40 *Description of; copies of forms.* The descriptions of the forms and required statements contained in this subpart are not intended to indicate the detail of the forms but are merely general references to the use and content thereof. Copies of the forms may be obtained from the Treasury Department, Bureau of the Mint, Washington 25, D. C., or any Bureau of the Mint field institution.

Forms Relating to Gold Matters

§ 92.41 *Form TG–11: Application for license to export gold coin.* (See §§ 54.20 and 54.25 (b) (3) of this chapter.) The applicant is required to submit a description of each coin, including date, denomination, country of issue, condition, mint mark (if any), and design. Port of export and the name and address of the person to whom the gold coins will be exported are also required to be stated.

§ 92.42 *Form TG–12: Application for a gold license.* This form is to be used in applying for an initial license, or for a modification or renewal of an existing license to acquire and hold, transport melt or treat, and/or import gold for use in industry, profession or art or for sale to the United States. It contains descriptions of various types of gold licenses which may be issued on the basis of this application. The applicant is required to submit information concerning his particular needs for gold and a gold license and the ownership and nature of his business.

§ 92.43 *Form TGR–12: Quarterly report of scrap gold dealers.* This report is required of holders of gold licenses on Form TGL–12. Detailed information is required concerning the acquisition, holding and disposition of scrap gold by the licensee during the quarter.

§ 92.44 *Form TGR–13: Quarterly report for holders of licenses on Form TGL–13 and TGL–13–A.* This report is required of holders of gold licenses on Form TGL–13 and TGL–13–A. Detailed information is required concerning the acquisition, holding and disposition of gold by the licensee during the quarter.

§ 92.45 *Form TGR–14: Quarterly report for holders of licenses on Form TGL–14.* This report is required of holders of gold licenses on Form TGL–14. Detailed information is required concerning the acquisition, holding and disposition of gold by the licensee during the quarter.

§ 92.46 *Form TG–15: Application for license to export or transport semi-processed gold from the continental United States.* (See § 54.25 (b) (4) of this chapter.) Information is required concerning the amount and invoiced sales price of the semi-processed gold which it is desired to export, the description of the semi-processed gold, the port of export, the consignee, and the purposes for which the gold will be used abroad.

§ 92.47 *Statement to accompany applications to export semi-processed gold.* This statement is required of the consignee of the gold and must accompany applications on Form TG–15 to export semi-processed gold in excess of 100 fine troy ounces. Information is required concerning the business of the consignee, the use to be made of the gold, and the disposition of previous holdings of gold; the consignee is also required to state that the proposed importation and payment therefor are authorized or licensed under the applicable laws of the country of importation.

§ 92.48 *Form TG–15 (General): Application for general license to export semi-processed gold from the United States for use in the dental profession.* (See § 54.25 (b) (4) of this chapter). Application is submitted on this form instead of Form TG–15 if the applicant desires to obtain a license to cover recurring shipments to regular customers for specified amounts and types of semi-processed gold of 22 karats or less for use in the dental profession. This application is required to be submitted on a quarterly basis, and information is required with respect to each consignee.

§ 92.49 *Form TGR–15 (General): Report for holders of general licenses on Form TGL–15 (General).* This report is required of holders of gold licenses on Form TGL–15 (General). Detailed information is required concerning the

exportations made during each quarter pursuant to the general license.

§ 92.50 *Form TG–15–B: Application for general licenses to export gold from the continental United States in any form for refining or processing.* (See § 54.25 (b) (4) of this chapter.) The applicant is required to set forth a description of the gold which it is desired to export for refining or processing, the amounts of such gold, the ports of export, and the specific reason for exporting the gold. The applicant is also required to agree that he will reimport into the United States the refined or processed gold (or its equivalent in refined or processed gold) derived from the gold exported.

§ 92.51 *Form TGR–15–B: Monthly report for holders of general licenses on Form TGL–15–B.* This report is required of holders of gold licenses on Form TGL–15–B. Information is required concerning the gold exported for refining or processing and the reimportations of the refined or processed gold derived therefrom, during the calendar month of the report.

§ 92.52 *Form TG–16: Application for license to export gold refined from imported gold-bearing materials.* (See § 54.32 of this chapter.) The applicant is required to submit information as to the amount of refined gold to be exported, names and addresses of the immediate and ultimate consignees, the location of the plant at which the gold was refined, and the ports of export; and to make certain representations concerning its interest in the gold.

§ 92.53 *Supplemental to application on Form TG–16: Certificate of no Communist Chinese or North Korean interest.* This certificate is required to be executed by persons abroad effecting sale of gold refined from imported gold-bearing materials and filed in support of application on Form TG–16 for the exportation of such refined gold from the United States (§ 54.32 of this chapter). Information is required concerning the gold to be re-exported and the foreign consignee. The signer is required to certify that he has no information other than that set forth on the form that any designated national as defined in the Foreign Assets Control Regulations (Chapter V of this title) may have or may obtain any interest in the refined gold, which is to be re-exported, or that any person with whom the signer has had dealings in connection with such gold may be, or may have been acting on behalf of any designated national as defined in the Foreign Assets Control Regulations (Chapter V of this title).

§ 92.54 *Form TG–17: Application for license to import, hold, transport, and export transit gold.* (See § 54.33 of this chapter.) The applicant is required to submit information concerning the entry and reexport of the gold, the amount and description of the gold, the name and address of the consignee, and place of delivery abroad.

§ 92.55 *Form TG–18: Application for license to acquire, transport, melt or treat, import, export or earmark gold or hold gold in custody for foreign or domestic account.* (See § 54.34 of this chapter.) Application is made on this form for a license to deal in gold for purposes other than those specified in part 54 of this chapter (Gold Regulations) which in the judgment of the Secretary of the Treasury are not inconsistent with the purposes of the Gold Reserve Act of 1934 and section 5 (b) of the act of October 6, 1917, as amended. The applicant is required to submit a complete statement of the nature of the transaction or type of transactions for which the gold is to be used, the reasons why gold is required, and the grounds on which he bases his belief that such use of the gold is not inconsistent with such acts.

§ 92.56 *Form TG–19: Certification accompanying deposits by persons who have recovered gold by mining or panning.* (See § 54.36 (a) (1) of this chapter.) The depositor is required to submit a description of the gold and information as to the sources and dates of acquisition.

§ 92.57 *Form TG–20: Certification accompanying deposits by persons who have recovered gold in the regular course of their business of operating a custom mill, smelter, or refinery.* (See § 54.36 (a) (2) of this chapter.) The depositor is required to submit a description of the gold and to certify he is keeping records as to the source of the gold.

§ 92.58 *Form TG–21: Certification accompanying deposits by persons purchasing gold directly from miners or panners.* (See § 54.36 (a) (3) of this chapter.) The depositor is required to submit a description of the gold and information as to the sources and dates of acquisition.

§ 92.59 *Form TG–22: Certification of depositor of scrap gold.* (See § 54.38 of this chapter.) The depositor is required to submit a description of the gold and information as to the sources and dates of acquisition.

§ 92.60 *Form TG–23: Certification of depositor of gold (other than United States gold coin) imported into the United States after January 30, 1934.* (See § 54.40 of this chapter.) The depositor is required to submit a description of the gold, the name of the foreign shipper and of the owner, the date of arrival of the gold in the United States, and to certify to other facts.

§ 92.61 *Form TG–24: Certification to Treasury Department by direct user of gold.* (See § 54.51 of this chapter.) The applicant is required to submit information concerning his present holdings of gold, his requirements for fine gold for a 3-months' period, and the amount of gold used during the preceding year.

§ 92.62 *Form TG–25: Certification to Treasury Department by person engaged in the business of furnishing gold for use in industry, profession, or art.* (See § 54.51 of this chapter.) The applicant is required to submit information concerning his present holdings of gold, his requirements for fine gold for a 3-months' period, and the amount of gold sold during the preceding year.

§ 92.63 *Form TG–26: Certification to accompany deposit of gold refined from gold-bearing material imported into the United States.* (See § 54.41 of this chapter.) The depositor is required to submit information concerning his business, the description of the gold, the importation of the gold-bearing materials and the refinement thereof.

§ 92.64 *Form TG–28: Statement of depositor of gold recovered from Mint sweeps.* (See § 54.39 of this chapter.) The depositor is required to describe the gold to certify that the gold contained in the deposit was recovered from sweeps purchased from a mint or assay office.

§ 92.65 *Form TG–29: End-Use Certificate for semi-processed gold.* The purchaser of semi-processed gold from refiners in amounts in excess of $200, is required to certify on this form as to the end-use of the gold purchased.

§ 92.66 *Form TG–30: Statement of holder of melted gold.* (See § 92.2.) This statement is required of persons holding gold in melted or treated form which was required to be delivered to the United States under the gold orders or which is not authorized to be held under Part 54 of this chapter (Gold Regulations). Information is required concerning the acquisition, and the melting and treating of the gold.

FORMS RELATING TO SILVER MATTERS

§ 92.75 *Application to purchase silver from the Treasury Department under the act of July 31, 1946 (60 Stat. 750: 31 U. S. C., 316d).* The applicant is required to state that the amount of silver which he desires to purchase together with that on hand, will not exceed his normal requirements for a 2-months' period, and that the silver is "for manufacturing uses."

§ 92.76 *Forms prescribed (for deposits) under the act of July 6, 1939.* The following forms are required to be submitted in connection with domestic silver mined subsequently to July 1, 1939, and deposited with a mint institution pursuant to section 4 of the act of July 6, 1939 (53 Stat. 998; 31 U. S. C. 316c). (See Part 80 of this chapter):

(a) *Form TSA–1: Affidavit and agreement by owner relative to silver mined subsequently to July 1, 1939.* This affidavit and agreement is required to be submitted by the owner of the silver deposited, and requires information concerning the date the silver was mined and the ownership thereof.

(b) *Form TSA–2: Affidavit of miner relative to silver mined subsequently to July 1, 1939.* This is a supporting affidavit required to be submitted with Form TSA–1, when applicable. The affiant is required to set forth information concerning silver which he has mined subsequently to July 1, 1939, the location of the mine, the place the silver was delivered and the amount thereof.

(c) *Form TSA–2A: Affidavit of miner relative to silver taken subsequently to July 1, 1939, from mine dumps and tailing piles which existed as such on midnight July 1, 1939.* This is also a supporting affidavit required to be submitted with Form TSA–1, when applicable. The

affiant is required to swear that the silver was derived in the manner and from the sources set forth therein.

(d) *Form TSA–3: Report of person delivering silver pursuant to the provisions of section 4 of the act of July 6, 1939, and the regulations issued thereunder.* A detailed report is required of the acquisitions holdings and dispositions of silver mined subsequently to July 1, 1939.

§ 92.77 *Forms prescribed (for deposits) under the act of July 31, 1946.* The following forms are required to be submitted in connection with domestic silver mined subsequently to July 1, 1946, and deposited with a mint institution pursuant to the act of July 31, 1946 (60 Stat. 750; 31 U. S. C. 316d). (See Part 80 of this chapter):

(a) *Form TSA–10: Affidavit and agreement by owner relative to silver mined subsequently to July 1, 1946.* This affidavit and agreement is required to be submitted by the owner of the silver deposited, and requires information concerning the date the silver was mined and the ownership thereof.

(b) *Form TSA–20: Affidavit of miner relative to silver mined subsequently to July 1, 1946.* This is a supporting affidavit required to be submitted with Form TSA–10, when applicable. The affiant is required to set forth information concerning silver which he has mined subsequently to July 1, 1946, and location of the mine, the place the silver was delivered and the amount thereof.

(c) *Form TSA–20A: Affidavit of miner relative to silver taken subsequently to July 1, 1946, from mine dumps and tailing piles which existed as such on midnight July 1, 1946.* This is also a supporting affidavit required to be submitted with Form TSA–10, when applicable. The affiant is required to swear that the silver was derived in the manner and from the sources set forth therein.

(d) *Form TSA–30: Report of persons delivering silver pursuant to the provisions of the act of July 31, 1946, supplementing the provisions of section 4 of the act of July 6, 1939, and the regulations issued thereunder.* A detailed report is required of the acquisitions, holdings and dispostions of silver mined subsequently to July 1, 1946.

(e) *Form 300: Verification of affidavit on Form TSA–20 or TSA–20A.* This form is used for verification of supporting affidavits which have been submitted with TSA–10 affidavits.

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-5030; Filed, June 4, 1953; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

PERSONS ELIGIBLE TO RECEIVE MEDICAL CARE AT ARMY MEDICAL TREATMENT FACILITIES

Section 577.15 is rescinded and the following substituted therefor:

§ 577.15 *Persons eligible to receive medical care at Army medical treatment facilities*—(a) *Authorization.* Authorization for medical care at Army medical treatment facilities is under the jurisdiction of the commanding officer of the medical treatment facility concerned. Furnishing of such care to other than personnel listed in paragraph (c) (1) and (8) (iii) of this section will be on a "when adequate facilities are available" basis. Persons requesting treatment will be required to furnish positive identification satisfactory to the commanding officer concerning their eligibility for medical care.

(b) *Restriction.* (1) Except for personnel of the Armed Forces on extended active duty, personnel on a temporary disability retired list of any of the Armed Forces, and personnel requiring action by physical evaluation boards, admission of persons requiring merely domiciliary care by reason of age or chronic invalidism is not authorized.

(2) Except for personnel listed in paragraph (c) (1) and (9) of this section, elective treatment is not authorized. Dental procedures will be considered elective treatment only when required primarily for cosmetic reasons.

(c) *Eligible personnel.* (1) Personnel of the Armed Forces of the United States on extended active duty, male or female, including officers, warrant officers, enlisted personnel, including Philippine Scouts, general provisions (punitive discharge suspended), aviation cadets, professors and cadets of the United States Military Academy, and midshipmen of the United States Naval Academy.

(2) Members of the Army Reserve and the Air Force Reserve within the provisions of the act of June 15, 1936 (49 Stat. 1507), as amended (10 U. S. C. 455a, 455b), and members of the Army Reserve and the Air Force Reserve within the provisions of section 5, act of April 3, 1939 (53 Stat. 557; 10 U. S. C. 456), as amended by the act of June 20, 1949 (63 Stat. 201).

(3) Navy and Marine Corps reservists while on training duty: *Provided,* That any personnel of this category shall be transferred to a Naval hospital prior to termination of training duty if there is a possibility that continuation of hospitalization may be necessary subsequent to termination of period of training duty.

(4) Officers, warrant officers, and enlisted men of the federally recognized National Guard of the several States, Territories, and the District of Columbia, the National Guard of the United States and the Air National Guard of the United States under the act of July 15, 1939 (53 Stat. 1042), as amended (10 U. S. C. 455e), and section 3, act of June 20, 1949.

(5) Members of the Army and Air Force Reserve Officers' Training Corps.

(6) Senior members of the Civil Air Patrol who suffer personal injury or incur sickness in line of duty while engaged on active duty assignments within the field of activities of the Civil Air Patrol, and cadet members of the Civil Air Patrol when at encampment at Air Force installations under Department of the Air Force regulations, and when Air Force medical treatment facilities are not available.

(7) Dependents of personnel of the Armed Forces of the United States to include the following:

(i) *Dependents of personnel on extended active duty.* Wives, or dependent husbands, and dependent children and other dependent members of their families (when such other dependents are in fact dependent upon such person for over half of their support). No provisions of this section shall operate to bar medical care for dependents of personnel serving outside the continental United States or otherwise separated from their families. Medical care is not authorized for dependents of prisoners whose sentences include a punitive type discharge, suspended or executed, nor for legally separated or divorced wives. Illegitimate children of members of the Armed Forces will not be given medical care unless the children are actually living with and dependent upon a military parent. Application will be made to the commanding officer of the hospital concerned by the member of the Armed Forces of the United States concerned, furnishing therewith evidence satisfactory to the commanding officer showing the relationship, dependency, nature of illness, and need for medical care. In emergencies or when the principal is separated from his or her dependents because of military necessity, application for admission will be made by the individual concerned. Dependents should not undertake travel to a military hospital without first ascertaining whether and when accommodations will be available. If the case is under the care or within the province of an attending surgeon of the Army, application will be made by him, otherwise it will be made as specified in this subdivision.

(ii) *Dependents of retired personnel.* (*a*) Dependents specified in subdivision (i) of this subparagraph of retired personnel of a regular component of the Armed Forces.

(*b*) Dependents specified in subdivision (i) of this subparagraph of personnel of the reserve components retired or granted retirement pay for physical disability under the Career Compensation Act of 1949 (63 Stat. 802; as implemented by Executive Order 10122, April 14, 1950 (15 F. R. 2173), and dependents of personnel retired under Title II, Army and Air Force Vitalization and Retirement Equalization Act of 1948 (62 Stat. 1084; 10 U. S. C. 1001–1007)

(iii) *Widows who have not remarried and the unmarried child or children under 21 years of age of deceased Armed Forces personnel whose death occurred while on extended active duty or while in a retired status.* Eligibility for hospitalization of unmarried minor children is effective whether or not a widow survived the deceased military personnel and whether or not a widow remarries.

(8) Retired personnel of the Armed Forces to include the following:

(i) Retired Regular personnel of the Army and Air Force in an inactive status or ordered to active duty for less than 91 days and personnel retired under Title II, Army and Air Force Vitalization

and Retirement Equalization Act of 1948.

(ii) Retired inactive personnel of the Regular Navy and Marine Corps, and inactive enlisted personnel of the Fleet Naval Reserve and the Fleet Marine Reserve who have been transferred thereto after 16 or more years of service.

(iii) All members of the Regular and reserve components of the Armed Forces who are placed on the temporary disability retired list under the Career Compensation Act of 1949.

(iv) All members of the Regular and reserve components of the Armed Forces permanently retired for physical disability or receiving disability retirement pay, except those with chronic diseases to include chronic arthritis, malignancy, psychiatric or neuropsychiatric disorders, paraplegia, and tuberculosis, whose hospitalization is the responsibility of the Administrator of Veterans' Affairs, under the Career Compensation Act of 1949, as implemented by Executive Order 10122, April 14, 1950 (15 F. R. 2173).

(9) Beneficiaries of the Veterans' Administration.

(10) Beneficiaries of the Bureau of Employees' Compensation, Department of Labor, to include civilian employees (any nationality) of the Federal Government and civilian employees of the government of the District of Columbia (except those members of the Police and Fire Departments of the District of Columbia who are pensioned or are pensionable under the District of Columbia Appropriation Act, September 1, 1916) who sustain personal injury while in the performance of duty. (The term injury includes, in addition to injury by accident, any occupational disease.)

(11) Beneficiaries of the United States Public Health Service, including the following:

(i) Active commissioned officers of the United States Public Health Service.

(ii) Active officers, commissioned warrant officers, warrant officers, cadets and enlisted personnel of the United States Coast Guard, including those on shore duty and detached duty.

(iii) Active commissioned officers, ships' officers, and members of crews of vessels of the United States Coast and Geodetic Survey, including those on shore and detached duty.

(iv) American seamen in the continental United States, its Territories and its possessions. This category includes seamen aboard ships of United States registry such as those aboard Department of Defense time-chartered vessels of commercial operators; in emergency, those aboard time-chartered vessels other than those referred to in this subdivision; those on privately owned and operated vessels; and active enrollees in the United States Maritime Service and members of Merchant Marine Cadet Corps.

(v) United States Public Health Service civilian employees in the field service when injured or taken sick in line of duty (except when entitled to treatment at the expense of the Bureau of Employees' Compensation).

(12) Foreign service personnel to include officers and employees of the State Department and Mutual Security Agency and their dependents.

(13) Members of the United States Soldiers' Home.

(14) Beneficiaries of the Bureau of Indian Affairs to include enrolled Indians (or members of Indian tribes) in continental United States and Indians, Eskimos, and Aleuts in Alaska.

(15) Applicants for enlistment, selectees, and inductees while under military control.

(16) Prisoners of war, persons interned by the Army, and other persons in military custody or confinement.

(17) Prisoners of Army and Air Force (punitive discharge executed) hospitalized beyond expiration date of sentence.

(18) Female personnel of the Armed Forces discharged from or relieved from extended active duty under honorable conditions because of pregnancy. Women members of the Army will be furnished medical care as set forth in § 580.14 of this subchapter.

(19) Civilian seamen in the service of vessels operated by the Department of the Army on presentation of a certificate from the master or other appropriate administrative authority (which may be dispensed with only in emergencies), not including Bureau of Employees' Compensation beneficiaries, for a reasonable time and except for injuries or diseases resulting from their own misconduct, provided that, except in emergencies, those entitled to care by the United States Public Health Service will be admitted only when facilities of that service are not available. A seaman is in the service of a vessel, although not on board and not engaged in his duties, as long as he is under the power and jurisdiction of competent Department of the Army authorities. Cases of traumatic injury or occupational disease incurred in the course of employment should be treated as Bureau of Employees' Compensation beneficiaries.

(20) Nationals of foreign governments to include the following:

(i) Foreign military personnel in the attache system carried on the current Diplomatic List (Blue) and foreign military personnel carried and designated as military personnel on the "List of Employees in the Embassies and Legations in Washington not Printed in the Diplomatic List" (White) published by the State Department.

(ii) Foreign military personnel assigned or attached to United States Army or Air Force installations or units for duty or training.

(iii) Foreign military personnel on foreign government military or supply missions accredited to and recognized by the Department of the Army or the Department of the Air Force.

(iv) Foreign military personnel on duty in the United States at the invitation of the Department of the Army or the Department of the Air Force.

(v) Foreign military personnel accredited to joint United States defense boards or commissions, or assigned to full-time duty with the North Atlantic Treaty Organization when stationed in the United States.

(vi) Foreign military and/or civilian personnel in the United States for training under the Mutual Defense Assistance Program.

(vii) Dependents of personnel listed in subdivisions (i) through (vi) of this subparagraph when they are residing with their principals except dependents of civilian personnel in the United States for training under the Mutual Defense Assistance Program.

(viii) Other nationals of foreign governments.

(21) Red Cross and other officially recognized welfare workers on duty at Armed Forces installations. Dependents of such persons, if actually residing with the principal, may be furnished medical care outside the continental United States subject to the availability of facilities.

(22) Operations analysis, scientific consultants, and technical observers officially accredited as such by the Department of the Army when accompanying the Army in the field.

(23) Employees of commercial airlines under contract to the Military Air Transport Service. Medical care may be furnished only outside the continental United States to those employees who are citizens of the United States.

(24) Civilian seamen in the service of ships operated by the Military Sea Transportation Service on presentation of a certificate from the master or other appropriate administrative authority (which may be dispensed with only in emergencies) not including Bureau of Employees' Compensation beneficiaries, when United States Navy facilities are not available, for a reasonable time and except for injuries or diseases resulting from their own misconduct: *Provided*, That, except in emergencies, those entitled to care by the United States Public Health Service will be admitted only when facilities of that service are not available. A seaman is in the service of a ship, although not on board and not engaged in his duties, as long as he is under the power and jurisdiction of competent Department of Defense authorities. Cases of traumatic injury or occupational disease incurred in the course of employment should be treated as Bureau of Employees' Compensation beneficiaries.

(25) American seamen outside the continental United States, its territories and its possessions. This category includes seamen aboard ships of United States registry such as those aboard Department of Defense time-chartered vessels of commercial operators; in emergency, those aboard time-chartered vessels other than those referred to in this subparagraph; and those on privately owned and operated vessels.

(26) Civilian employees of cost-plus-a fixed-fee contractors of the Department of the Army.

(27) Civilian employees of the Office of the Secretary of Defense may be furnished medical care in Army medical treatment facilities outside the continental United States in the absence of civilian facilities.

(28) Civilian employees of the Army, Navy and Air Force paid from either appropriated or nonappropriated funds, and their dependents (including librarians and service club personnel ap-

pointed under authority of §§ 557.1 through 557.6 and 557.10 through 557.12 of this chapter) may, in the absence of civilian facilities, be furnished medical care in Army medical treatment facilities outside the continental United States and at remote military installations in the continental United States. Oversea commanders will determine whether civilian medical facilities are adequate and meet acceptable American standards.

(29) When it has been determined by the oversea commander that adequate civilian facilities are not available, certain categories of personnel peculiar to the oversea commands who contribute to the accomplishment of the oversea commander's mission may be furnished medical care in Army medical treatment facilities overseas. Some examples of personnel falling into this category are as follows: Accredited representatives of United States commercial organizations who are United States citizens, to include news correspondents, representatives of commercial airlines, oil companies, etc.; members of recognized religious missions who are United States citizens; entertainment personnel on tour in oversea commands; athletic consultants and civilian actress technicians, etc.

(30) Designees of the Secretary of the Army.

(31) Indigent and nonindigent civilians in extreme necessity to save life or prevent undue suffering.

(32) Individuals who require medical evaluation in connection with consideration of their case by the Army Board for Correction of Military Records.

[AR 40-506, December 19, 1952, and C 1 AR 40-506, May 7, 1953] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-5024; Filed, June 4, 1953; 8:50 a. m.]

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 592—PROCUREMENT BY NEGOTIATION

PART 595—FOREIGN PURCHASES

ARMY PROCUREMENT PROCEDURES; MISCELLANEOUS AMENDMENTS

1. In § 590.604–1 (a), the last sentence of subparagraph (2) is revised to read as follows:

§ 590.604–1 *Personal or professional services*—(a) *Contract for employment of experts or consultants.* * * *

(2) *Approval required.* * * * The proposed contract is advantageous to and necessary for the national defense; existing facilities of the Army are inadequate to accomplish the required service and compensation specified therein is considered reasonable; and the employment of (insert name of Contractor) will not be in excess of the (insert name of requesting procuring activity) Civil Service Personnel Ceiling.

* * * * *

2. In § 592.203–2, paragraph (b) is amended by inserting a new sentence at the end thereof.

§ 592.203–2 *Application.* * * *

(b) * * * However, the above requirement may be waived by the Contracting Officer in individual procurement actions having a total value of less than $100 where, in his opinion, the interests of the government will not suffer from such action and the administrative time and expense of obtaining and recording competitive quotations are expected to be disproportionate to results obtained.

* * * * *

3. A new § 595.105–2 is added to Part 595, as follows:

§ 595.105–2 *Foreign books, newspapers, magazines, etc.* It has been administratively determined by the Assistant Secretary of the Army (Matériel) that the application of the "Buy American Act" to the purchase of trade, text, technical and/or scientific books, newspapers, magazines, periodicals, and printed briefs, not printed in the United States, would be inconsistent with the public interest. Therefore, such supplies and materials are exempted from the provisions of the "Buy American Act" and may be procured without regard to country of origin.

[Proc. Cir. 12, April 22, 1953 and Proc. Cir. 13, May 22, 1953] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-5025; Filed, June 4, 1953; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-1 and Direction 5—Revocation]

M–1—IRON AND STEEL

DIR. 5—PRODUCTION OF LIGHT-GAGE PLATE ON WIDE PLATE MILLS

REVOCATION

NPA Order M-1 dated July 3, 1952 (17 F. R. 6038), as amended by Amendment 1 of August 1, 1952 (17 F. R. 7087), Amendment 2 of October 23, 1952 (17 F. R. 9627), and Amendment 3 of December 24, 1952 (17 F. R. 11756), and Direction 5 (17 F. R. 2929) to said order, are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-1 or Direction 5 thereto, as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said order or direction prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective July 1, 1953.

Issued: June 4, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-5080; Filed, June 4, 1953; 12:07 p. m.]

[NPA Order M-5—Revocation]

M–5—ALUMINUM

REVOCATION

NPA Order M-5 (17 F. R. 6763) as amended by Amendment 1 of January 23, 1953 (18 F. R. 546), is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-5 as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said order or amendment prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation shall take effect July 1, 1953.

Issued: June 4, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-5081; Filed, June 4, 1953; 12:07 p. m.]

[NPA Order M-6A and Schedules 1, 2, 3, 4, and 5—Revocation]

M–6A—STEEL DISTRIBUTORS

REVOCATION

NPA Order M-6A dated October 30, 1952 (17 F. R. 9816), as amended by Amendment 1 of December 31, 1952 (18 F. R. 72), and Schedules 1 (17 F. R. 7692), 2 (17 F. R. 24), 3 (18 F. R. 2375), 4 (17 F. R. 10864), and 5 (17 F. R. 11445) to said order, are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-6A or Schedules 1, 2, 3, 4, or 5 thereto, as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said order or schedules prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective July 1, 1953.

Issued: June 4, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-5082; Filed, June 4, 1953; 12:07 p. m.]

[NPA Order M–16—Revocation]

M–16—DISTRIBUTION OF COPPER RAW MATERIALS

REVOCATION

NPA Order M–16 (18 F. R. 2055) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M–16 as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective June 4, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53–5083; Filed, June 4, 1953; 12:07 p. m.]

[NPA Order M–44 and Direction 1—Revocation]

M–44—POWER EQUIPMENT AND ELECTRIC EQUIPMENT: PRODUCTION AND DELIVERY

DIR. 1—FACTORS IN RESCHEDULING

REVOCATION

NPA Order M–44 (16 F. R. 10212) and Direction 1 to said order (17 F. R. 6152) are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M–44 or under Direction 1 to said order as originally issued or as amended from time to time, nor deprive any person of any rights received or accrued under said order or direction prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective July 1, 1953.

Issued: June 4, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53–5084; Filed, June 4, 1953; 12:07 p. m.]

[NPA Order M–84—Revocation]

M–84—ALUMINUM FOR DESTRUCTIVE USES

REVOCATION

NPA Order M–84 (17 F. R. 6768) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M–84, as originally issued or as thereafter amended from time to time, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective July 1, 1953.

Issued: June 4, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53–5085; Filed, June 4, 1953; 12:08 p. m.]

[NPA Order M–88 and Direction 1—Revocation]

M–88—ALUMINUM DISTRIBUTORS

DIR. 1—EX-ALLOTMENT SALE OF EXCESS INVENTORY BY ALUMINUM DISTRIBUTORS

REVOCATION

NPA Order M–88 (17 F. R. 11399) and Direction 1 under that order (18 F. R. 3120) are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M–88 or Direction 1 as originally issued or as thereafter amended from time to time, nor deprive any person of any rights received or accrued under said order or direction prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective July 1, 1953.

Issued: June 4, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53–5086; Filed, June 4, 1953; 12:08 p. m.]

[NPA Order M–101—Revocation]

M–101—CERTAIN USED AND IMPORTED METALWORKING MACHINES: REPORTING OF INVENTORY

REVOCATION

NPA Order M–101 (17 F. R. 2059) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M–101, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective July 1, 1953.

Issued: June 5, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53–5087; Filed, June 4, 1953; 12:08 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 14—LEGAL SERVICES, SOLICITOR'S OFFICE

SUBPART E—RECOGNITION OF ORGANIZATIONS, ACCREDITED REPRESENTATIVES, ATTORNEYS, AGENTS, RULES OF PRACTICE AND INFORMATION CONCERNING FEES, PUBLIC NO. 844, 74TH CONGRESS

ACCREDITED REPRESENTATIVES; EXPENSES INCURRED BY ATTORNEY OR AGENT IN PROSECUTION OF CLAIMS

1. In § 14.627, paragraphs (b) and (c) are amended to read as follows:

§ 14.627 *Accredited representatives.*

* * *

(b) A recommendation (VA Form 2–21) received in central office may be sent to the appropriate regional office if necessary, to secure sufficient facts to justify a determination whether the designee is qualified. The report of the chief attorney and the recommendation of the manager together with VA Form 2–21 will be transmitted to the solicitor. If VA Form 2–21 is filed in a regional office, the manager will report to the solicitor whether the designee is qualified. If the designee is approved, VA Form Letter 2–3, Notice to Designee of Recognition, will be issued by the solicitor.

(c) Letters of recognition (VA Form Letter 2–3) or card issued by the solicitor (VA Form 2–3192, Service Organization Representative Identification Card) will constitute authorization for the recognition of accredited representatives designated therein, in all offices (including hospitals and domiciliaries) of the Veterans' Administration. Record will be maintained in the office of the solicitor of al recognitions issued.

* * * * *

2. Section 14.650 is revised to read as follows:

§ 14.650 *Expenses incurred by attorney or agent in the prosecution of claims.* When an agent, attorney, or other person incurs any expense in the prosecution of a claim, he must file a sworn itemized account of such expense with the Veterans' Administration to be retained in the claims file as part of the permanent record and secure the approval thereof—before demanding or receiving reimbursement from the claimant—by the director of the service handling the claim, or his designate, if the claim is adjudicated in central office, or by the adjudication officer, or his designate, if the claim is adjudicated in the regional office, or by the director, claims service, or his designate if the claim is adjudicated in the district office, provided that in all claims other than those involving compensation and pension the approval shall be made in central office as above indicated. Notice of the action taken in all cases shall be transmitted to the attorney concerned by the service handling the claim.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a,

426, 707. Interpret or apply secs. 200–203, 49 Stat. 2031, 2032; 38 U. S. C. 101–104)

This regulation is effective June 5, 1953.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 53–4869; Filed, June 4, 1953; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 895]

ALASKA

EXCLUDING CERTAIN TRACTS OF LAND FROM THE CHUGACH AND TONGASS NATIONAL FORESTS AND RESTORING THEM FOR PURCHASE AS HOMESITES

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831) it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites, and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, Washington, D. C., are hereby excluded from the Chugach and Tongass National Forests, Alaska, as hereinafter indicated and restored, subject to valid existing rights and the provisions of existing withdrawals, for purchase as homesites under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461):

CHUGACH NATIONAL FOREST

U. S. Survey No. 2530, lot C, 1.66 acres; latitide 60°20'20" N., longitude 149°22' W. (Homesite No. 58, Primrose Group).

U. S. Survey No. 2518, tract 2, 2.74 acres; latitude 60°23'47" N., longitude 149°21' W. (Homesite No. 67, Lawing Group).

U. S. Survey No. 2520, lot G, 3.97 acres; latitude 60°24'26" N., longitude 149°22' W. (Homesite No. 141, Fall Creek Group).

U. S. Survey No. 2523, lot 2, 1.87 acres; latitude 60°30'12" N., longitude 149°47' W. (Homesite No. 84, Slaughter Creek Group).

U. S. Survey No. 2527, lot 3, 3.16 acres; latitude 60°30' N., longitude 149°48' W. (Homesite No. 68, Copper Landing Group).

U. S. Survey No. 2529, lot G, 4.55 acres; latitude 60°29'38" N., longitude 149°21' W. (Homesite No. 136, Moose Pass Group).

U. S. Survey No. 2531, lot C, 4.97 acres; latitude 60°21'35" N., longitude 149°21'20" W. (Homesite No. 106, Lakeview Group).

U. S. Survey No. 2757, lot 2, 2.99 acres; latitude 60°55'26" N., longitude 149°39'20" W. (Homesite No. 113, Porcupine Creek Group).

U. S. Survey No. 2757, lot 8, 4.48 acres; latitude 60°55'26" N., longitude 149°39'20" W. (Homesite No. 82, Porcupine Creek Group).

U. S. Survey No. 2757, lot 10, 4.48 acres; latitude 60°55'26" N., longitude 149°39'20" W. (Homesite No. 79, Porcupine Creek Group).

U. S. Survey No. 3037, 4.30 acres; latitude 60°29'41" N., longitude 150°00' W. (Homesite No. 125).

Beginning at a point from which corner 3, lot 2, U. S. Survey No. 2518, latitude 60°23'47" N., longitude 149°21' W., bears S. 29° 30' E., 17.70 chains, thence, N. 54° E., 4.00 chains; S. 36° E., 4.00 chains; S. 54° W., 4.00 chains; N. 36° W., 4.00 chains to point of beginning (Homesite No. 139, 1.60 acres).

TONGASS NATIONAL FOREST

U. S. Survey No. 2827, lot 12, 1.26 acres; latitude 56°21'27" N., longitude 133°36'38" W. (Homesite No. 952, Point Baker Group).

U. S. Survey No. 2828, lot 22, 0.75 acre; latitude 56°21'06" N., longitude 133°37'02" W. (Homesite No. 947, Point Baker Group).

U. S. Survey No. 2829, lot 33, 1.05 acres; latitude 56°21'23" N., longitude 133°37'13" W. (Homesite No. 944, Point Baker Group).

U. S. Survey No. 2829, lot 38, 0.93 acre; latitude 56°21'23" N., longitude 133°37'13" W. (Homesite No. 948, Point Baker Group).

U. S. Survey No. 2829, lot 40, 1.73 acres; latitude 56°21'23" N., longitude 133°37'13" W. (Homesite No. 922, Point Baker Group).

U. S. Survey No. 2913, lot 25, 4.76 acres; latitude 57°58'35" N., longitude 136°14'22" W. (Homesite No. 1012, Lisianski Inlet Group).

ORME LEWIS,
Assistant Secretary of the Interior.

JUNE 1, 1953.

[F. R. Doc. 53–5001; Filed, June 4, 1953; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 53–24]

Subchapter B—Merchant Marine Officers and Seamen

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

PART 12—CERTIFICATION OF SEAMAN

Subchapter K—Marine Investigations and Suspension and Revocation Proceedings

PART 136—MARINE INVESTIGATION REGULATIONS

PART 137—SUSPENSION AND REVOCATION PROCEEDINGS

LICENSING AND CERTIFICATING OF MERCHANT MARINE PERSONNEL; MARINE INVESTIGATIONS; AND SUSPENSION AND REVOCATION PROCEEDINGS

A notice regarding proposed changes in the rules and regulations for licensing and certificating merchant marine personnel and suspension and revocation proceedings was published in the FEDERAL REGISTER, dated February 13, 1953 (18 F. R. 880, 882), as Item I and Item XIII on the agenda to be considered by the Merchant Marine Council and a public hearing was held by the Merchant Marine Council on March 24, 1953. No comments were received from the public.

The purpose for amending § 10.01–1 and adding § 10.01–5 is to clarify and bring up to date the purpose and authority for regulations regarding licensing of officers and motorboat operators and registration of staff officers.

The purpose for amending § 10.02–9 (d) (1) is to clarify the language regarding the period of grace allowed for renewal of a license where the holder had no reasonable opportunity to do so because of service with the Armed Forces or the merchant marine.

The purpose for amending §§ 10.02–5 (e) (6), 10.02–7 (e) (1), and 10.02–9 (f) (2) is to remove from the regulations the list of U. S. Public Health Service stations or cross references thereto since the list is incorrect and information regarding such stations may be obtained upon request.

The purpose for amending § 12.01–1 and adding § 12.01–5 is to clarify the purpose and authority for regulations regarding certification of seamen.

The purpose for amending § 12.10–1, regarding requirements for certificate of efficiency as lifeboatman is to clarify the statement regarding where certificated lifeboatmen are required and to remove an inconsistency between this regulation and the requirements in § 33.30–5.

The purpose for amending §§ 136.07–40 and 136.07–42 is to delete references to "Coast Guard Courts and Boards, 1935" which have been canceled and to insert the appropriate references to the Coast Guard Supplement to the Manual for Courts-Martial, United States, 1951. These regulations describe the joint procedures for the fact-finding body to follow when investigating marine casualties involving Coast Guard vessels or marine casualties occurring within the scope of Coast Guard rescue operations.

The purpose for amending § 137.05–5 (a) (2), regarding procedures for investigations, is to provide definitely in those cases where the investigating officers give admonitions to the alleged offenders the right to request hearings before examiners.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate rules and regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

SUBPART 10.01—GENERAL

1. Section 10.01–1 is amended to read as follows:

§ 10.01–1 *Purpose of regulations.* (a) The purpose of the regulations in this part is to provide a comprehensive and adequate means of determining the qualifications an applicant must possess in order to be eligible for a license as deck or engineer or radio officer on merchant vessels, or a license to operate motorboats or for a certificate of registry as staff officer.

2. Part 10 is amended by adding a new § 10.01–5, reading as follows:

§ 10.01–5 *Authority for regulations—*(a) *General.* The authority to prescribe regulations generally is set forth in R. S. 4405 and 4462, as amended (46 U. S. C. 375, 416), as well as in other provisions of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto. Under the provisions of R. S. 4403, as amended (46 U. S. C. 372), the Commandant, United States Coast Guard, superintends the administration of the vessel inspection laws and is required to produce a correct and uniform

administration of the inspection laws, rules, and regulations.

(b) *Deck and engineer officers' licenses.* The regulations regarding requirements for deck and engineer officers' licenses interpret or apply R. S. 4417a, 4426, 4427, 4438, 4439, 4440, 4441, 4442, 4443, and 4447, as amended, sec. 2, 29 Stat. 188, sect. 1, 34 Stat. 1411, sec. 1, 49 Stat. 1544, sec. 5, 49 Stat. 1935, sec. 302, 49 Stat. 1992, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391a, 404, 405, 224, 226, 228, 229, 214, 230, 233, 225, 237, 367, 672a, 1132, 50 U. S. C. App. 1275). The regulations regarding requirements for deck and engineer officers' licenses for officers on vessels subject to the Officers' Competency Certificates Convention, 1936, interpret or apply R. S. 4438a, as amended (46 U. S. C. 224a).

(c) *Radio officers.* The regulations regarding the licensing of radio officers interpret or apply 62 Stat. 232-234 (46 U. S. C. 229a–229h).

(d) *Motorboat operators' licenses.* The regulations regarding the licensing of motorboat operators interpret or apply secs. 7 and 17, 54 Stat. 165, 166, as amended (46 U. S. C. 526f, 526p).

(e) *Staff officers.* The regulations regarding the registration of staff officers interpret or apply sec. 7, 53 Stat. 1147, as amended (46 U. S. C. 247).

SUBPART 10.02—GENERAL REQUIREMENTS FOR ALL DECK AND ENGINEER OFFICERS' LICENSES

3. Section 10.02–5 (e) (6) is amended to read as follows:

§ 10.02–5 *Requirements for original licenses.* * * *

(e) *Physical examination.* * * *

(6) Persons serving or intending to serve in the Merchant Service are recommended to take the earliest opportunity of ascertaining, through examination by an opthalmic surgeon, whether their vision, and color vision where required, is such as to qualify them for service in that profession throughout their sea career; the Public Health Service will give voluntary examinations to such persons requesting same, the color vision test will be by means of the "Stillings" test, or failing that, the "Williams" lantern test. A person failing the "Stillings" test and wishing to qualify by the lantern test shall, if the Public Health Station at which he is undergoing test is not equipped with a lantern, pay his own expenses to journey to such station as is equipped with same.

4. Section 10.02–7 (e) (1) regarding physical requirements for raise of grade of license is amended by deleting the reference at the end of the subparagraph which reads "(See § 10.02–5 (e) (6) for a list of stations.)".

5. Section 10.02–9 (d) (1) is amended to read as follows:

§ 10.02–9 *Requirements for renewal of license.* * * *

(d) *Period of grace.* (1) A license shall be renewed within 12 months after the date of expiration as shown on the license held, except when an applicant's license has expired beyond the 12-month period of grace during the time of the holder's service with the Armed Forces or the Merchant Marine and there was no reasonable opportunity for renewal. The period of such service following the date of expiration as shown on the license shall be added to the 12-month period of grace.

6. Section 10.02–9 (f) (2) regarding physical requirements for renewal of license, is amended by deleting the reference at the end of the subparagraph which reads: "(See § 10.02–5 (e) (6) for a list of stations.)".

(R. S. 4405, 4462, as amended, sec. 2, 29 Stat. 188, as amended, secs. 1, 2, 49 Stat. 1544, sec. 7, 53 Stat. 1147, sec. 17, 54 Stat. 166, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 416, 225, 367, 247, 526 p, 166, 50 U. S. C. app. 1275)

SUBPART 12.01—GENERAL

1. Section 12.01–1 is amended to read as follows:

§ 12.01–1 *Purpose of regulations.* (a) The purpose of the regulations in this part is to provide a comprehensive and adequate means of determining the identity or the qualifications an applicant must possess in order to be eligible for certification to serve on merchant vessels of the United States.

2. Part 12 is amended by adding a new § 12.01–5 reading as follows:

§ 12.01–5 *Authority for regulations—*(a) *General.* The authority to prescribe regulations generally is set forth in R. S. 4405 and 4462, as amended (46 U. S. C. 375, 416), and sec. 7 of the act of June 25, 1936, as amended (49 Stat. 1936; 46 U. S. C. 689), as well as in other provisions of Titles 52 and 53 of the Revised Statutes and acts amendatory thereof or supplemental thereto. Under the provisions of R. S. 4403, as amended (46 U. S. C. 372), the Commandant, United States Coast Guard, superintends the administration of the vessel inspection laws and is required to produce a correct and uniform administration of the inspection laws, rules, and regulations. Under the provisions of section 2 of the act of July 5, 1885 (23 Stat. 118, 46 U. S. C. 2), the Commandant, United States Coast Guard, and the Commissioner of Customs, Bureau of Customs, have general superintendence of the commercial marine and merchant seamen of the United States, so far as vessels and seamen are not, under the existing laws, subject to the supervision of any other officer of the Government.

(b) *Certification of seamen.* The regulations regarding requirements for certification of seamen interpret or apply R. S. 4551, as amended, sec. 13, 38 Stat. 1169, as amended by sec. 1, 49 Stat. 1930, and secs. 1, 2, 50 Stat. 199, and modified by 52 Stat. 753, 55 Stat. 579, and 55 Stat. 732; and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 643, 672, 672b, 672–1, 672–2, 50 U. S. C. App. 1275.

(c) *Lifeboatman.* The regulations regarding lifeboatman interpret or apply R. S. 4417a and 4488, as amended (46 U. S. C. 391a, 481), and sec. 5, 55 Stat. 244, 245, as amended (50 U. S. C. App. 1275).

(d) *Tankerman.* The regulations regarding tankerman interpret or apply R. S. 4417a, as amended (46 U. S. C. 391a), and sec. 5, 55 Stat. 244, 245, as amended (50 U. S. C. App. 1275).

SUBPART 12.10—LIFEBOATMAN

3. Section 12.10–1 is amended by changing the last sentence to read as follows:

§ 12.10–1 *Certification required.* * * * No certificate of efficiency as lifeboatman is required of any person employed on any unrigged vessel, except on a seagoing barge and on a tank barge navigating waters other than rivers and/or canals.

(R. S. 4405, 4417a, 4488, 4551, as amended, sec. 13, 38 Stat. 1169, as amended, secs. 1, 2, 49 Stat. 1544, sec. 7, 49 Stat. 1936, sec. 1, 52 Stat. 753, 55 Stat. 579; 46 U. S. C. 375, 391a, 481, 643, 672, 367, 689, 672b, 672–1, 672–2)

SUBPART 136.07—INVESTIGATION

1. Section 136.07–40 (a) is amended to read as follows:

§ 136.07–40 *Coast Guard vessels involved in marine casualties.* (a) In the event a Coast Guard vessel is involved in a collision with a private vessel, such casualty will not be investigated separately pursuant to regulations in § 136.07–1 or in Subpart 136.09, or pursuant to Chapter III or Chapter IV of the Coast Guard Supplement to the Manual for Courts-Martial, United States, 1951, but shall be investigated by one fact-finding body acting pursuant both to the marine investigation regulations as found in this part and the Coast Guard Supplement to the Manual for Courts-Martial, United States, 1951 (0508). To effect this joint procedure a District Commander may combine the investigation by an investigating officer under the regulations in this part with a court of inquiry or investigation under the Coast Guard Supplement to the Manual for Courts-Martial, United States, 1951, or the Commandant may combine a marine board of investigation (see Subpart 136.09) with a court of inquiry or investigation. In such cases of joint procedure the report of the fact-finding body will conform to the requirements both in this part and in the Coast Guard Supplement to the Manual for Courts-Martial, United States, 1951.

2. Section 136.07–42 (a) is amended to read as follows:

§ 136.07–42 *Marine casualties occurring within the scope of Coast Guard rescue operations.* (a) In the event a marine casualty or accident occurs within the scope of rescue operations of the Coast Guard, which involves loss of life, such casualty or accident will not be investigated separately pursuant to the regulations in § 136.07–1 or in Subpart 136.09, or pursuant to Chapter III or Chapter IV of the Coast Guard Supplement to the Manual for Courts-Martial, United States, 1951, but will be investigated by one fact-finding body acting pursuant both to the regulations in § 136.07–1 or in Subpart 136.09 and the Coast Guard Supplement to the Manual for Courts-Martial, United States, 1951 (0508). To effect this joint procedure a District Commander may combine the

investigation by an investigating officer under the regulations in this part with a court of inquiry or investigation under the Coast Guard Supplement to the Manual for Courts-Martial, United States, 1951, or the Commandant will combine a marine board of investigation (see Subpart 136.09) with a court of inquiry or investigation. In such cases of joint procedure, the report of the fact-finding body will conform to the requirements both in this part and in the Coast Guard Supplement to the Manual for Courts-Martial, United States, 1951.

(R. S. 4405, as amended, secs. 1, 2, 49 Stat. 1544, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 367, 50 U. S. C. 1275. Interpret or apply R. S. 4450, as amended; 46 U. S. C. 239)

SUBPART 137.05—INVESTIGATING OFFICERS AND INVESTIGATIONS

1. Section 137.05–5 (a) (2) is amended to read as follows:

§ 137.05–5 *Investigating procedures.* (a) * * *

(2) If he finds there is basis for the complaint but the violation is not of a serious character, or that it is of a serious character but with extenuating circumstances, or where the ends of justice will be best served, or where the exigencies of the situation are such that formal proceedings would be impracticable, he may admonish the person upon advising him of the facts or conduct found to be the basis of the complaint and that the admonition will be made a matter of official record. Upon a written protest by the alleged offender, filed with the investigating officer at the time the admonition is given, the admonition shall be withdrawn and the Investigating Officer may prefer charges to be heard before an Examiner.

(R. S. 4405, as amended, secs. 1, 2, 49 Stat. 1544, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 367, 50 U. S. C. 1275. Interpret or apply R. S. 4450, as amended; 46 U. S. C. 239)

Dated: May 28, 1953.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 53–5029; Filed, June 4, 1953; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 894]

PART 97—ROUTING OF TRAFFIC

REROUTING OF TRAFFIC

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of June A. D. 1953.

It appearing, that during recent high water a bridge on the Chicago, Burlington & Quincy Railroad Company between Almena and Norton, Kansas, was washed out; that there has been filed with this Commission an application (Finance Docket No. 18151) for the permanent use of the Chicago, Rock Island and Pacific Railroad Company's tracks between Almena and Norton, Kansas; that the Commission is of the opinion that the Chicago, Burlington & Quincy Railroad Company is unable to transport the traffic offered it, routed over its line between Almena and Norton, Kansas, so as to properly serve the public, and; that the handling, routing and movement of this carrier's traffic (including trains) over the Chicago, Rock Island and Pacific Railroad Company's line between Almena and Norton, Kansas, will best promote the service in the interest of the public and the commerce of the people: It is ordered, that:

§ 97.894 *Rerouting.* (a) The Chicago, Burlington & Quincy Railroad Company shall handle, route and move its traffic (including trains), originating or terminating at (including overhead), or between Almena and Norton, Kansas, over the Chicago, Rock Island and Pacific Railroad Company's tracks between Almena and Norton, Kansas.

(b) Compensation: The handling, routing and movement of traffic ordered and described in paragraph (a) of this section shall be upon such terms as between the carriers as they may agree upon or, in the event of their disagreement, as the Commission may, after subsequent hearing find to be just and reasonable.

(c) Application: The provisions of this section shall apply to intrastate and foreign traffic as well as interstate traffic.

(d) Rates to be applied: Inasmuch as such disregard of routing is deemed to be due to carrier's disability, the rates applicable to traffic so forwarded by routes other than those designated by shippers, or by carriers shall be the rates which were applicable at date of shipment over the routes so designated.

(e) Division of rates: In executing the orders and directions of the Commission provided for in this section, common carriers affected shall proceed, even though no division agreements are in effect, over the routes authorized; divisions shall be, during the time this section remains in force, voluntarily agreed upon by and between said carriers; and upon failure of said carriers to so agree, the divisions shall be hereinafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act. If division agreements now exist on the traffic affected, over the routes herein authorized they shall not be changed or affected by this section.

(f) Effective date: This section shall become effective at 12:00 M., June 1, 1953.

(g) Expiration date: The provisions of this section shall expire at 11:59 p. m., August 31, 1953, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that copies of this order and direction shall be served upon the State Corporation Commission of Kansas, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–5021; Filed, June 4, 1953; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 727]

MARYLAND TOBACCO

ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1954–55 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313), the Secretary of Agriculture is preparing to formulate regulations governing the establishment of farm acreage allotments and normal yields for the 1954 crop of Maryland (type 32) tobacco, if marketing quotas are in effect during the 1954–55 marketing year for such kind of tobacco.

The applicability of the regulations to be issued for such kind of tobacco will be contingent upon the proclamation of a national marketing quota for such kind of tobacco pursuant to section 312 of the act (7 U. S. C. 1312), and upon approval of quotas by growers voting in a referendum.

It is proposed that the regulations will be substantially the same as those for the 1953–54 marketing year (17 F. R. 6622) with the following exceptions:

1. Section 727.416 of the 1953–54 regulations relating to determination of harvested tobacco acreage for old farms would be eliminated.

2. Section 727.417 would be redesignated § 727.516 and would read as follows:

§ 727.516 *Determination of 1954 preliminary acreage allotments for old farms.* The preliminary acreage allotment for an old farm shall be the 1953 allotment which was or should have been determined for the farm, adjusted where applicable as indicated below:

(a) *Adjustments for past acreage.* (1) If the acreage of tobacco harvested on the farm in 1953, after due allowances have been made for drought, flood, hail, other abnormal weather conditions, plant bed and other diseases, was less than 75 percent of the 1953 allotment, the preliminary allotment shall be the 1953 allotment minus one-fifth of the difference between the 1953 allotment and the 1953 harvested acreage: *Provided,* That no such downward adjustment shall be made unless the difference between the 1953 harvested acreage and the 1953 allotment amounts to one-half acre or more. Adjustment in the 1953 harvested acreage for plant bed diseases shall be made only if the county committee determines that the farm operator could not obtain sufficient plants.

(2) If the acreage of tobacco harvested on the farm in 1953, after due allowances have been made for drought, flood, hail, other abnormal weather conditions, plant bed and other diseases, was more than 110 percent of the 1953 allotment, the preliminary allotment shall be the 1953 allotment plus one-fifth of the difference between the 1953 allotment and the 1953 harvested acreage. Adjustment in the 1953 harvested acreage for plant bed diseases shall be made only if the county committee determines that the farm operator could not obtain sufficient plants.

(3) If no 1953 allotment was established for the farm and no tobacco was harvested on the farm in one or more of the years 1948–52, the preliminary allotment shall be one-fifth of the acreage of tobacco harvested on the farm in 1953, after due allowances have been made for drought, flood, hail, other abnormal weather conditions, plant bed and other diseases. Adjustment in the 1953 harvested acreage for plant bed diseases shall be made only if the county committee determines that the farm operator could not obtain sufficient plants.

(b) *Adjustments for land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.* (1) The county committee, with the assistance of community committees, may adjust the preliminary allotment determined under paragraph (a) of this section to the extent that they find adjustments to be needed in order to establish a preliminary allotment for the farm which is fair and equitable in relation to the preliminary allotments for other old farms in the community considering the land, labor and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco, subject to the following limitations:

(i) The preliminary allotment shall not be increased above the smallest of (*a*) the average acreage of tobacco harvested on the farm in the three years during the period 1951–53; (*b*) the percent of the cropland in the farm equal to the percent which the total of the 1953 allotments for all old farms in the community is of the total acreage of cropland in such farms (an increase above this limit may be made if the county committee finds that more of the cropland in the farm is available for production of tobacco than is the case generally for farms in the community because of the suitability of the land for production of tobacco and the nonuse of land for enterprise other than tobacco); and (*c*) the acreage capacity of barn space located on the farm which is in usable condition and available for curing tobacco grown on the farm.

(ii) The preliminary allotment shall not be decreased below the smallest of (*a*) the average acreage of tobacco harvested on the farm in the three years 1951–53; (*b*) that percent of the cropland in the farm equal to the percent which the total of the 1953 allotments for all old farms in the community is of the total acreage of cropland in such farms; and (*c*) the acreage capacity of barn space located on the farm which is in usable condition and available for curing tobacco grown on the farm: *Provided,* That with the written consent of the owner of the farm the preliminary allotment may be decreased without regard to the limitations contained in this subdivision.

(iii) The total increases in any county under this paragraph shall not exceed the total decreases in such county. The total of the decreases in any county under said paragraph may exceed the total increases in the county.

3. The proviso in § 727.418 (redesignated as § 727.517) relating to minimum allotments would be eliminated.

4. The acreage available for relationship adjustments made in old farm acreage allotments by county and community committees under § 727.419 (redesignated as § 727.518) would be limited to one and one-half percent of the total acreage allotted to all tobacco farms in the State for the 1953–54 marketing year.

5. Section 727.420 relating to determination of harvested acreage for divided or combined farms would be eliminated, and a new section relating to reduction of a farm acreage allotment for violation of the marketing quota regulations would be added and would read as follows:

§ 727.519 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1954 shall be reduced, as hereinafter provided, except that such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due at the time the tobacco is marketed and, in the event of failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) Any such reduction shall be made with respect to the 1954 farm acreage allotment, provided it can be made at least 30 days prior to the beginning of the normal planting season for the county in which the farm is located as determined by the State committee. If the reduction cannot be so made effective with respect to the 1954 allotment, such reduction shall be made with respect to the farm acreage allotment next established for the farm where the reduction can be made within the time specified above. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction in the 1954 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided,* That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less

the amount of tobacco for which satisfactory proof of disposition has been shown.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a) or (b) of this section.

(f) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraph (a) or (b) of this section.

6. Section 727.421 relating to reallocation of allotments released from farms removed from agricultural production would be redesignated § 727.520 (a) and a new paragraph (b) would be added as follows:

(b) The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm."

7. Section 727.422 would be redesignated § 727.521 and the word "preliminary," wherever it appears, would be eliminated. Appropriate changes would also be made in the years specified in § 727.422.

8. Section 727.423 relating to determination of normal yields per acre for old farms would be redesignated § 727.522, and the period 1946–51 would be changed to 1946–52.

9. Section 727.424 relating to determination of acreage allotments for new farms would be redesignated § 727.523 and would read as follows:

§ 727.523 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 727.520, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That the acreage allotment so determined shall not exceed 50 percent of the allotments for old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience during two of the past five years in Maryland tobacco and such experience shall have been for the entire crop year beginning with the preparation of the plant bed and extending through preparation of the tobacco for market: *Provided,* That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements hereof if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge.

(2) The farm owner and operator shall each receive over 50 percent of his income from the farm covered by the application.

(3) The farm will not have a 1954 allotment for any kind of tobacco other than that for which application is made under this part.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-half of one percent of the 1954 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

Prior to the final adoption and issuance of the regulations, consideration will be given to any data, views and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, Washington 25, D. C. All submissions must be postmarked not later than 15 days from the date this notice is published in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 2d day of June 1953.

[SEAL] HOWARD H. GORDON,
Administrator.

[F. R. Doc. 53-5037; Filed, June 4, 1953; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of the Mint

DESCRIPTION OF CENTRAL AND FIELD ORGANIZATIONS

I. *Introduction*—(a) *General.* The Bureau of the Mint is a branch of the Treasury Department. Through its central and field offices the Bureau administers United States laws concerning the coinage of money and the purchase, sale, deposit, assay, refining and custody of gold and silver (set forth in 31 U. S. C., ch. 7 and 8); and, in general, administers the Gold and the Silver Regulations (31 CFR, Parts 54, 80).

(b) *Director of the Mint.* At the head of the Bureau is the Director of the Mint, appointed by the President with the advice and consent of the Senate for a term of 5 years. In the temporary absence of the Director, the Secretary of the Treasury has designated the Assistant Director to act as Director, and while acting in such capacity he has full powers of the office. The Director determines the general policies of the central and field offices, subject to the approval of the Secretary of the Treasury, and supervises their activities. The Director issues Treasury licenses for the acquisition, ownership, possession, and use of gold for industrial, professional and artistic purposes; makes or causes to be made investigations and conducts or causes to be conducted hearings pertaining to gold under the Gold Regulations (31 CFR Part 54). The Director also fixes the charges for the coinage of money for foreign countries, with the approval of the Secretary of the Treasury, and prepares quarterly estimates of the values of foreign coins which are proclaimed by the Secretary pursuant to statute.

(c) *Public information, submittals or requests.* The public may secure information from, or make submittals or requests concerning matters within the jurisdiction of the Bureau of the Mint to, the Director of the Mint, Treasury Department, Washington 25, D. C., except as otherwise indicated. Attention is directed to 31 CFR Part 92 [1] for specific information concerning the procedures followed by the Bureau and for other regulations governing submittals and requests.

II. *Central organization*—(a) *Office of the Director.* The central office of the Bureau of the Mint has been designated the Office of the Director, and is situated in the Treasury Department, 15th and Pennsylvania Avenue, Washington 25, D. C. The Office of the Director includes the Director, Assistant Director, and their aides, Personnel Division, Accounting Division, Gold and Silver Division, and Laboratory.

(b) *Activities of the Office.* The Office directs the activities of the Mint field institutions in the production of coin, both domestic and foreign, medals of a national character and special medals for other Government agencies; the

[1] See Title 31, chapter I, Part 92, *supra.*

custody, processing and movement of bullion, administers in part the regulations issued under the Gold Reserve Act of 1934 and section 5 (b) of the act of October 6, 1917, as amended, including the issuance and denial of gold licenses, the purchase of gold and the sale of gold for industrial use; administers the regulations concerning newly-mined domestic silver; compiles and analyzes general data of world-wide scope relative to gold and silver and performs such other functions relating to accounting, budgeting, and personnel as necessarily pertain to a central administrative office.

(c) *Breakdown of the office.* Specific functions of the several units of the office include:

Gold and Silver Division administers Federal laws, orders and regulations relating to all transactions in gold acquired for industrial, professional and artistic use, including the issuance and denial of licenses incident thereto; audits reports and makes examinations of users of gold; also administers Federal laws and regulations relating to transactions in newly mined domestic silver; audits reports and makes examinations of domestic silver producers and processors to preclude acceptance by the Mint of silver not eligible for receipt as newly mined domestic.

Laboratory, serves as consultant to the Director on metallurgical matters; makes metallurgical and chemical investigations; assays samples of fine and coin gold bar melts made at the field institutions; examines and assays coins, both domestic and foreign, to ascertain whether they conform to coinage standards; conducts metallurgical analyses for the Secret Service and Government Departments.

Accounting Division devises, establishes and administers accounting, budgeting, auditing, internal control and financial reporting policies and procedures for the Bureau of the Mint; administers the Bureau's procurement and property control activities and exercises control over program activities in the execution of the budget.

Personnel Division administers a comprehensive personnel program for all employees in the Department and Field service.

III. *Field organization*—(a) *Mint field institutions.* The mint service includes coinage mints located at Sixteenth and Spring Garden Streets, Philadelphia, Pennsylvania; Colfax and Delaware Streets, Denver, Colorado; and Buchanan Street and Duboce Avenue, San Francisco, California; assay offices at 815 Airport Way, Seattle, Washington, and 32 Old Slip, New York City; a bullion depository for gold at Fort Knox, Kentucky, and a silver bullion depository at West Point, New York.

The bullion depository at Fort Knox is maintained for safekeeping of the Government's stores of monetary gold and is not open to the public. It is administered by the Chief Clerk in Charge, and in his absence the Assistant Chief Clerk.

The bullion depository at West Point is an adjunct of the New York Assay Office and is used for the storage of silver.

(b) *Mint districts.* The United States is divided into the following mint districts for the administration of the Gold Regulations and for the receipt of gold and silver deposits:

The Philadelphia Mint District, consisting of the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and the District of Columbia.

The Denver Mint District, consisting of the States of Colorado, Iowa, Kansas, Minnesota, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah and Wyoming.

The San Francisco Mint District, consisting of the States of Arizona, California, and Nevada, and the Territories and possessions of the United States not specifically included in other mint districts.

The Seattle Mint District, consisting of the States of Idaho, Montana, Oregon, and Washington, and the Territory of Alaska.

The New York Mint District, consisting of the States of Connecticut, Delaware, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Wisconsin, and Puerto Rico, the Virgin Islands of the United States, and the Panama Canal Zone.

(c) *Officers of the field institutions.* A Superintendent, appointed by the President, by and with the advice and consent of the Senate, for no fixed term, is in charge of each mint and the New York Assay Office. An Assayer in Charge, also a Presidential appointee, is in charge of the United States Assay Office at Seattle. The Superintendent or other officer in charge has immediate supervision over and responsibility for the conduct of business of the institution and is responsible for values received and stored therein.

The assistant in each mint and assay office is designated as Assistant Superintendent and Chief Clerk and is authorized by statute to act as Superintendent (or Assayer in Charge) in the absence of the latter. Each mint and the New York Assay Office has an Assay Department in charge of an Assayer, who is appointed by the President by and with the advice and consent of the Senate, for no fixed term, and who by law is responsible for all assays of gold and silver and their correctness.

In the absence of the Assayer, at any institution, the Superintendent, with the consent of the Assayer, may appoint someone to act in his place but must report such appointment immediately to the Director for approval. The same procedure applies to the Engraver at the Philadelphia Mint.

(d) *Activities of the field institutions.* All mints and assay offices receive gold and silver bullion for deposit and for return to the depositor or for purchase by the Government in accordance with applicable laws and regulations; determine the eligibility of such gold and silver for deposit and return or purchase; have custody of gold and silver bullion; and sell gold and silver as authorized by law. As specified in the Gold Regulations (31 CFR Part 54), applications for certain gold licenses are filed with a mint or assay office. All mints and assay offices make assays of gold and silver bullion for the public, and the Seattle Assay Office also makes commercial assays of ores.

The mints manufacture all of the metal money of the United States and have custody of the finished coins until they are shipped to the Federal Reserve banks by order of the Treasurer of the United States. Coins are manufactured for foreign governments pursuant to contracts made by the Director, with the approval of the Secretary of the Treasury. Medals of a national character and "proof" coins for sale to the public are manufactured at the Philadelphia Mint, and are available only upon application to the Superintendent of that institution.

(Sec. 3 (a) (1) of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1002 (a) (1)))

[SEAL] LELAND HOWARD,
Acting Director of the Mint.

Approved: June 1, 1953.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-5031; Filed, June 4, 1953; 8:51 a. m.]

Office of the Secretary

[Treasury Department Order 150-25]

COMMISSIONER OF INTERNAL REVENUE

DELEGATION OF FINAL APPROVAL OF COMPROMISES

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, there are hereby transferred to the Commissioner of Internal Revenue all the functions of the Secretary of the Treasury, the Under Secretary of the Treasury, or any Assistant Secretary of the Treasury under section 3761 (a) of the Internal Revenue Code with respect to the compromise of any case, and the functions of the General Counsel under section 3761 (b) of the Internal Revenue Code with respect to the compromise of any case in which the unpaid amount of tax (including any interest, penalty, additional amount or addition to the tax) is less than $500.

This order continues the delegation made by Treasury Department Order No. 124, dated August 22, 1950, which is hereby superseded.

The functions herein transferred may be delegated by the Commissioner to subordinates in the Bureau of Internal Revenue in such manner as he shall from time to time direct.

Dated: June 1, 1953.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 53-5032; Filed, June 4, 1953; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. No. 4]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 29, 1953.

Pursuant to exchanges made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended

June 26, 1936 (49 Stat. 1976; 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

BOISE MERIDIAN

T. 7 S., R. 4E.
Sec. 12, SW¼;
Sec. 13, NW¼.

The areas described aggregate 320 acres.

The lands described are situated in what is known as Little Valley in Owyhee County. They occupy an elevation of approximately 3,200 feet above sea level and the topography is that of a rolling mesa. The lands are classified as chiefly valuable for grazing with agricultural possibilities, providing water can be obtained from underground sources.

While any application that is filed for the lands will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or disposal other than that shown above. No application for these lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

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

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

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

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

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

Inquiries concerning these lands shall be addressed to Land and Survey Office, Boise, Idaho.

ROSCOE E. BELL,
Regional Administrator.

[F. R. Doc. 53–5023; Filed, June 4, 1953; 8:49 a. m.]

[62182]

WISCONSIN

NOTICE OF FILING OF PLAT OF SURVEY

MAY 29, 1953.

Notice is given that the plat accepted January 21, 1953, of (1) dependent resurvey delineating the retracement and reestablishment of a portion of the original township boundary and subdivisional lines designated to restore the corners in their original locations according to the best available evidence and (2) an extension survey to include lands erroneously omitted from the original survey of sections 6, 7, and 18, and not shown upon the plat approved March 14, 1865, will be officially filed in the Bureau of Land Management, Washington 25, D. C., effective 10:00 a. m. on the 35th day after the date of the notice as to the following described lands:

FOURTH PRINCIPAL MERIDIAN, WISCONSIN

T. 40 N., R. 17 E.,
Section 6, lot 7;
Section 7, lots 7, 8, 9, 10, 11;
Section 18, lots 7, 8, 9, 10.

The area described aggregates 287.92 acres.

Available information indicates that the lands omitted from the original survey, except lot 11, sec. 7, are high rolling and gently rolling upland with considerable areas of level swamp land; that the soil is a sandy loam with some stone and that the upland formerly supported a good stand of timber consisting of hemlock, norway pine, birch, maple, basswood and poplar; that the swamp areas are timbered with spruce, cedar and tamarack and that some timber remains with considerable growing timber ranging from 2 to 20 inches in diameter.

According to the field notes and as shown by the plat, lot 7, sec. 6; lots 7, 8, 9, 10, sec. 7; lots 7, 8, 9, 10, sec. 18; are principally upland and that lot 11, sec. 7 is principally swamp in character and appears to be swamp and overflowed within the meaning of the act of September 28, 1850 (9 Stat. 519). Should the land finally be determined to be swamp and overflowed in character it must be held to have inured to the State and any application adverse to the State in conflict with swamp land claim will be governed by § 271.2 of Title 43 of the Code of Federal Regulations.

No applications for the described lands may be allowed under the homestead or small tract laws unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

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

day shall be considered in the order of filing.

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

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

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Regional Administrator, Bureau of Land Management, Region VI, Washington 25, D. C.

For the Administrator.

H. S. PRICE,
Regional Administrator, Region VI.

[F. R. Doc. 53-5002; Filed, June 4, 1953; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DIRECTOR, DEPARTMENTAL ADMINISTRATION AND CHIEF OF THE FOREST SERVICE

DELEGATION OF AUTHORITY WITH RESPECT TO CLAIM VOUCHERS

There is hereby delegated to the Director, Departmental Administration for claims exceeding $1,000 and the Chief of the Forest Service for claims not exceeding $1,000, the authority to approve vouchers for payment of claims under the act of January 31, 1931 (16 U. S. C. 502), to reimburse owners for loss, damage, or destruction of horses, vehicles and other equipment obtained by the Forest Service for the use of that service from employees or other private owners. This will not disturb existing delegations to the Forest Service.

The Chief of the Forest Service is authorized to approve vouchers for payment of claims under section 2 of the act of May 27, 1930 (16 U. S. C. 574), to reimburse owners of private property for damage or destruction thereof caused by employees of the United States in connection with the protection, administration, or improvement of the national forests. The authority granted herein shall be exercised only where there is a finding that no negligence exists and where it is found that the claim occurred in connection with the protection, administration or improvement of the national forests, that the claim is reasonable in amount, and that it is supported by paid bills, estimates, or other legally acceptable evidence of damage.

Done at Washington, D. C., this 2d day of June 1953.

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

[F. R. Doc. 53-5036; Filed, June 4, 1953; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

AVIATION SAFETY DIVISION

TRANSFER OF FUNCTIONS

Effective May 25, 1953, all functions of the Aviation Safety Division of the Regional Office at Chicago, Illinois, with respect to activities within the States of Kentucky and Ohio will be performed by the Aviation Safety Division of the Regional Office at Jamaica, Long Island, New York. This action is taken pursuant to the second introductory paragraph of the notice on Organization and Functions published on May 14, 1953, in 18 F. R. 2798. The functions of an Aviation Safety Division of a Regional Office are described in 17 F. R. 7304, published on August 9, 1952.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 53-5026; Filed, June 4, 1953; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5827]

BRANIFF AIRWAYS, INC. AND UNITED AIR LINES, INC.; INTERCHANGE OF EQUIPMENT

NOTICE OF ORAL ARGUMENT

In the matter of the joint application of Braniff Airways, Inc., and United Air Lines, Inc., for approval by the Civil Aeronautics Board under section 412 and, if such approval is deemed necessary, under section 408 of the Civil Aeronautics Act, as amended, of an agreement relating to the interchange of equipment.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on June 16, 1953 at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

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

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-5035; Filed, June 4, 1953; 8:51 a. m.]

[Docket No. 5828]

CONTINENTAL AIR LINES, INC., AND UNITED AIR LINES, INC.; INTERCHANGE OF EQUIPMENT

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the application of Continental Air Lines, Inc. and United Air Lines, Inc. for approval by the Civil Aeronautics Board under section 412, and, if such approval is deemed necessary under Section 408 of the Civil Aeronautics Act of an agreement relating to the interchange of equipment.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned to be held on June 9 is hereby postponed to June 16, 1953, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

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

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-5034; Filed, June 4, 1953; 8:51 a. m.]

FEDERAL COAL MINE SAFETY BOARD OF REVIEW

SECRETARY AND GENERAL COUNSEL OF THE BOARD

AMENDMENT TO STATEMENT OF ORGANIZATION

Section 2 (b) and (c) of the Statement of Organization (17 F. R. 10523) are amended to read as follows:

SEC. 2. *Organization.* * * *

(b) The Secretary of the Board is the chief full-time admininstrative officer of the Board. He has custody of the official seal of the Board and of all official files, property and records, and is responsible for the transaction of all business except legal matters and matters requiring official action of the Board or a member thereof.

(c) The General Counsel of the Board is the chief full-time legal officer of the Board. He is directly responsible to the Board for all legal matters within the jurisdiction of the Board.

Adopted by the Federal Coal Mine Safety Board of Reveiew at its office in Washington, D. C., on the 23d day of April 1953.

TROY L. BACK,
Secretary of the Board.

[F. R. Doc. 53-5003; Filed, June 4, 1953; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6503]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF APPLICATION

JUNE 1, 1953.

Take notice that on May 28, 1953, an application was filed with the Federal Power Commission, pursuant to section 204, of the Federal Power Act, by Community Public Service Company, a corporation organized under the laws of the State of Delaware and doing business in the States of New Mexico and Texas, with its principal business office at Fort Worth, Texas, seeking an order authorizing the issuance of $2,500,000 principal amount of promissory notes, $1,200,000 of which are now outstanding, which the Applicant proposes to renew upon maturity. Applicant proposes to borrow on an additional short-term promissory note or notes in the aggregate sum of $1,300,000 by December 31, 1953. The maturity of each promissory note to be issued will not exceed 120 days from its date; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 15th day of June 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-5017; Filed, June 4, 1953; 8:48 a. m.]

[Docket No. G-1824]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF PETITION

JUNE 1, 1953.

Take notice that New York State Natural Gas Corporation (Applicant), a New York corporation, with its principal place of business in New York, New York, filed a petition on May 20, 1953, pursuant to section 16 of the Natural Gas Act, to amend an order of the Commission, issued February 27, 1952, in Docket No. G-1824, authorizing the construction and operation of, among other facilities, approximately 16 miles of 20-inch loop pipeline paralleling Applicant's existing Rochester line (Line No. 14) from a point in the Town of Genesee Falls to a point in the Town of Perry, Wyoming County, New York.

Petitioner states the pipeline looping originally proposed was for the purpose of adding transmission pipeline capacity, to enable Applicant to meet in part, the estimated future requirements of Rochester Gas & Electric Corporation (Rochester), to which gas is delivered at the northern end of Applicant's Line No. 14 (Caledonia measuring station). Because of reduced estimates of its requirements, Rochester now requests Applicant to revise its plan to construct the 16 miles of 20-inch pipeline in Line 24 (3.83 miles thereof having been completed in 1952), and substitute for the remainder authorized by the aforesaid order, approximately 10.8 miles of 20-inch pipeline to parallel Applicant's Line No. 14 between Caledonia and Craig's Corners.

The estimated cost of construction of the proposed 10.8 miles is $611,900, a saving of approximately $78,000 over the estimated cost of 12.17 miles of pipeline originally proposed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 19th day of June 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-5018; Filed, June 4, 1953; 8:48 a. m.]

[Docket No. G-2021]

PUBLIC SERVICE ELECTRIC AND GAS CO.

NOTICE OF EXTENSION OF TIME

JUNE 1, 1953.

Upon consideration of the petition of Public Service Electric and Gas Company for modification and amendment of certificate order, filed May 27, 1953, for an extension of time within which to complete the construction and actually commence the operation of the facilities authorized by the order issuing certificate of public convenience and necessity, issued October 6, 1952;

Notice is hereby given that an extension of time to and including July 1, 1953, is granted within which applicant shall complete the construction and undertake the service and operation of facilities authorized by said order issued October 6, 1952. Paragraph (C) of said order is further amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-5005; Filed, June 4, 1953; 8:46 a. m.]

[Docket No. G-2162]

NEW YORK STATE NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

On April 27, 1953, New York State Natural Gas Company (Applicant), a New York, Corporation having its principal place of business at New York, New York, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 16, 1953 (18 F. R. 2869).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on June 19, 1953, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application herein: *Provided, however,* That the Commission may, after a noncontested hearing dispose of the proceeding pursuant to provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

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

Adopted: May 29, 1953.

Issued: June 1, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-5004; Filed, June 4, 1953; 8:46 a. m.]

[Docket No. G-2177]

EAST OHIO GAS CO.

NOTICE OF APPLICATION

JUNE 1, 1953.

Take notice that the East Ohio Gas Company, Applicant, an Ohio corporation with its principal place of business in Cleveland, Ohio, filed on May 25, 1953, an application for a certificate of public convenience and necessity authorizing the construction and operation of approximately three miles of 20-inch O. D. transmission pipeline commencing at Applicant's Snyder Farm Station in Franklin Township, Summit County, Ohio, and extending in an easterly direction to a point of connection with Applicant's trunk pipelines Nos. 2 and 3 in Green Township, Summit County, Ohio.

Applicant proposes to construct and operate the above-described facilities for the purpose of increasing the deliverability of Applicant's storage pools in the vicinity of the proposed construction, and will increase Applicant's peak-day

supply of gas from storage by approximately 75,000 Mcf per day. In this connection, Applicant states that its peak-day requirements have increased from 386,192 Mcf on December 16, 1945, to an estimated 1,303,000 Mcf on a zero day in January of 1954, and in order that the requirements of all consumers may be met during the winter months it is essential that Applicant obtain larger volumes of gas from its own storage pools.

The estimated over-all capital cost of the proposed facilities is $171,000 which will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 19th day of June 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-5019; Filed, June 4, 1953; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

G. W. ZILLER, INC.

MEMORANDUM OPINION AND ORDER REVOKING BROKER-DEALER REGISTRATION

MAY 29, 1953.

In the matter of G. W. Ziller, Inc., 730 Marsh Avenue, Reno, Nevada.

This is a proceeding pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether G. W. Ziller, Inc., a corporation registered as a broker and dealer, willfully violated section 17 (a) of the act and Rule X-17A-5 thereunder and, if so, whether it is in the public interest to revoke its registration.[1]

A copy of our notice and order for hearing was sent by registered mail to registrant at the address furnished by registrant in its registration application but was returned to us by the Post Office Department with a notation indicating that registrant could not be found at the address as given.[2] Copies of the notice and order for hearing were also sent to registrant's president and vice president but no reply was received from either of them. No representative of registrant appeared on the date set for hearing.

Registrant's registration became effective November 3, 1948, and has not been withdrawn, cancelled, revoked or suspended, and is in full force and effect. On November 28, 1942, we promulgated Rule X-17A-5 under section 17 (a) of the act, which provides, among other things, that every registered broker or dealer must file with this Commission a report of financial condition during each calendar year. Registrant was specifically notified of the requirements of this rule at the time it was advised that its registration had become effective.

Upon review of the record in this proceeding, we find that registrant failed to file the required reports of financial condition and thereby violated section 17 (a) of the act and Rule X-17A-5 thereunder. We conclude also that its violations were willful within the meaning of section 15 (b).

On the basis of the foregoing, we are of the opinion that it is in the public interest to revoke registrant's registration.

Accordingly it is ordered, That the registration of G. W. Ziller, Inc., as a broker and dealer be, and it hereby is, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-5008; Filed, June 4, 1953; 8:46 a. m.]

[File Nos. 54-193, 54-201]

UNITED GAS IMPROVEMENT CO.

SUPPLEMENTAL ORDER IN CONNECTION WITH SALE OF COMMON STOCK OF NIAGARA MOHAWK POWER CORP. AND PREFERENCE COMMON STOCK OF PUBLIC SERVICE ELECTRIC AND GAS CO.

JUNE 1, 1953.

The Commission having issued an order on June 15, 1951, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 ("act"), in proceedings concerning The United Gas Improvement Company ("UGI") which required, among other things, that UGI sever its relationship with certain therein named companies including Niagara Mohawk Power Corporation ("Niagara") and Public Service Electric and Gas Company ("Public Service"), in any appropriate manner not in contravention of the provisions of the act and the rules and regulations promulgated thereunder, by causing the disposition of its direct and indirect ownership, control and holdings of securities issued by such companies; and

The Commission having, on September 18, 1952, issued its findings, opinion and order approving a comprehensive plan filed by UGI for the purpose of complying with the Commission's order of June 15, 1951, which, among other things, granted an extension of time to June 15, 1953, for UGI's compliance with the remaining provisions of said order of June 15, 1951; and

UGI having notified the Commission pursuant to Rule U-44 (c) promulgated under the act that in compliance with the aforementioned order it proposes as soon as practicable to sell on the New York Stock Exchange 33,008 shares of the common stock of Niagara, and 36,810 shares of Preference Common stock of Public Service, and no filing having been required by the Commission with respect to said sale; and

UGI having requested that the Commission issue an order conforming to the requirements of Supplement R and section 180 (f) of the Internal Revenue Code, as amended; and

It appearing appropriate to the Commission that an order, as requested, should issue:

It is ordered and recited, That the sale by The United Gas Improvement Company of 33,008 shares of common stock of Niagara Mohawk Power Corporation and of 36,810 shares of Preference Common stock of Public Service Electric and Gas Company from time to time on the New York Stock Exchange and the transfer and delivery of such shares in connection with such sales is necessary or appropriate to the integration or simplification of the holding company system of which UGI is a member, and is necessary or appropirate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 in accordance with the meaning and requirements of the Internal Revenue Code, as amended, and section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-5013; Filed, June 4, 1953; 8:48 a. m.]

[File No. 70-3048]

COLUMBIA GAS SYSTEM, INC.

ORDER AUTHORIZING A CASH CAPITAL CONTRIBUTION BY PARENT COMPANY TO SUBSIDIARY

JUNE 1, 1953.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, having filed a declaration and an amendment thereto with this Commission pursuant to the provisions of section 12 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 of the rules and regulations promulgated thereunder regarding a proposed contribution to United Fuel Gas Company ("United Fuel"), a public-utility subsidiary of Columbia, from time to time prior to July 1, 1953, of up to $2,000,000 in cash, which amount United Fuel will credit to its capital surplus account. Columbia will increase the carrying value of its investment in the common stock of United Fuel by $1,999,989.51 and will charge $10.49 (the amount of the contribution applicable to the minority interest in United Fuel's common stock) to its operating expense.

The proposed contribution by Columbia having been approved by the Public Service Commission of West Virginia on April 21, 1953;

Due notice of the filing of the declaration and amendment having been given and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable

[1] Section 15 (b) provides in part: "The Commission shall, after appropriate notice and opportunity for hearing, by order * * * revoke the registration of any broker or dealer if it finds that such * * * revocation is in the public interest and that (1) such broker or dealer * * * (D) has willfully violated any provision * * * of this title, or of any rule or regulation thereunder."

[2] Our order and notice instituting the proceeding provided that the same be published in the FEDERAL REGISTER not later than 15 days prior to the date fixed for hearing. Pursuant to this provision the order and notice was published in the FEDERAL REGISTER of July 24, 1952, 17 F. R. 144, pp. 6800-1.

provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration be permitted to become effective forthwith:

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

By the Commission.

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

[F. R. Doc. 53-5011; Filed, June 4, 1953; 8:47 a. m.]

[File No. 70-3066]

BLYTH & CO., INC.

ORDER GRANTING APPLICATION TO ACQUIRE COMMON STOCK OF HOLDING COMPANY AND APPLICATION FOR TEMPORARY EXEMPTION FROM ACT

JUNE 1, 1953.

Blyth & Co., Inc. ("Blyth"), an investment banking firm, having filed with this Commission, pursuant to sections 9 (a) (2), 10 and 3 (a) (4) of the Public Utility Holding Company Act of 1935 ("act"), an application and amendments thereto requesting that the Commission approve the following proposed transactions (a) the acquisition by Blyth from Standard Oil Company of California ("Standard"), an exempt holding company, of 448,712 shares, approximately 61 percent, of the outstanding 741,974 shares of common stock of Pacific Public Service Company ("Pacific"), an exempt holding company, at $21 per share, (b) an offer by Blyth to purchase additional shares of the common stock of Pacific from other holders of such stock on the same basis as the proposed purchase from Standard, and (c) the purchase, from time to time, on the American Stock Exchange or the San Francisco Stock Exchange, of shares of the common stock of Pacific at not to exceed $21 per share, and further requesting that the Commission grant to Blyth and its subsidaries and exemption from the provisions of the act for a period of 12 months; and

Blyth having represented that it will, upon the completion of the acquisition of the shares of common stock of Pacific from Standard and such other holders who elect to accept its offer, promptly endeavor to negotiate a merger of Pacific into Pacific Gas and Electric Company ("PG&E") upon terms and conditions applicable alike to all holders of the common stock of Pacific and that it will distribute to the public such shares of the common stock of PG&E acquired as a result of such merger and that failing, within a reasonable time, to negotiate and consummate such a merger it will make a public distribution of the shares of the common stock of Pacific acquired by it, as aforesaid; and

Due notice having been given of the filing of said application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act are satisfied and observing no basis for adverse findings, and deeming it appropriate to grant said application, as amended, forthwith, subject to the terms and conditions of Rule U-24 and to certain additional terms and conditions as to which applicant has agreed:

It is ordered, Pursuant to the applicable provisions of the act that with respect to the transactions proposed therein said application, as amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions contained in Rule U-24.

It is further ordered, That with respect to the requested exemption from the provisions of the act said application, as amended, be, and the same hereby is, granted effective forthwith upon applicant's attaining the status of a holding company, subject to the following terms and conditions:

1. That the exemption herein granted shall, unless further extended by the Commission, be effective for only a period of 12 months from the date of this order;

2. That applicant shall, within 12 months from the date of this order sell all of its interest in the common stock of Pacific which it holds or which it may acquire unless such time shall, upon application, be extended by the Commission;

3. That applicant, during the existence of the exemption herein granted to it pursuant to section 3 (a) (4) of the act, unless otherwise ordered by the Commission, shall give 20 days' advance notice to the Commission (the time to begin with the date of receipt of such notice by the Commission), subject, however, to the right of the Commission to grant a request for acceleration of such notice period in any particular case, of any proposed transaction by Blyth with, or on behalf of, Pacific and/or its subsidiary companies, or involving said companies or their securities, which, if applicant were a registered holding company, would require the filing of an application or declaration pursuant to the requirements of sections 6, 9, 11, 12 or 13 of the act. The Commission, during such 20-day period, will notify applicant if it determines that the proposed transaction gives rise to a substantial question as to whether the continued exemption of the applicant and its subsidiaries is in the public interest and the interest of investors or consumers, and will advise applicant of such modifications of the proposed transaction as are deemed necessary or appropriate to resolve such question.

4. Unless applicant shall have filed with the Commission, within a period of 10 days from the date of the Commission's notice aforesaid, a commitment that the proposed transaction will be modified in a manner satisfactory to the Commission, the exemption hereby granted to the applicant and its subsidiaries shall automatically terminate forthwith and applicant shall register as a holding company pursuant to section 5 of the act within five (5) days thereafter by filing a notification of registration on Form U-5A.

5. Any proposed transaction with respect to which notice has been given by Blyth as provided herein shall be consummated within 60 days of the date of such notice, or such later date as may be approved by the Commission, and within 10 days following consummation of such transaction applicant shall certify to the Commission that such transaction was carried out in accordance with the representations made in said notice, as filed or as modified.

By the Commission.

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

[F. R. Doc. 53-5009; Filed, June 4, 1953; 8:47 a. m.]

[File No. 70-3067]

COLUMBIA GAS SYSTEM, INC., ET AL.

ORDER AUTHORIZING OPEN ACCOUNT ADVANCES TO FOUR SUBSIDIARY COMPANIES BY PARENT COMPANY

JUNE 1, 1953.

In the matter of The Columbia Gas System, Inc., The Ohio Fuel Gas Company, The Manufacturers Light and Heat Company, Central Kentucky Natural Gas Company, Home Gas Company; File No. 70-3067.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and four of its subsidiary companies, namely, The Ohio Fuel Gas Company ("Ohio Fuel"), The Manufacturers Light and Heat Company ("Manufacturers"), Central Kentucky Natural Gas Company ("Central Kentucky"), and Home Gas Company ("Home"), having filed a joint declaration pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 of the rules and regulations promulgated thereunder, with respect to the following proposed transactions:

Columbia proposes to advance on open account to four of its subsidiaries, from time to time during 1953 as funds are required by them, varying amounts aggregating not in excess of $22,300,000, as follows:

Ohio Fuel	$15,000,000
Manufacturers	5,800,000
Central Kentucky	800,000
Home	700,000

Such advances will bear interest at the rate of 3⅛ percent per annum and will be repayable in three equal installments on February 25, March 25, and April 25, 1954.

It is represented that the funds to be advanced by Columbia will be used by the subsidiaries to finance the purchase of gas for their current inventories.

The joint declaration states that the proposed advances to be received by the subsidiary companies named herein are not subject to the jurisdiction of any State regulatory commission.

Due notice of the filing of the joint declaration having been given and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and

that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said joint declaration be permitted to become effective forthwith:

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

By the Commission.

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

[F. R. Doc. 53-5010; Filed, June 4, 1953; 8:47 a. m.]

[File No. 70-3073]

DERBY GAS & ELECTRIC CORP.

ORDER REGARDING ISSUANCE AND SALE OF COMMON STOCK PURSUANT TO A RIGHTS OFFERING

JUNE 1, 1953.

Derby Gas & Electric Corporation ("Derby"), a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), particularly sections 6, 7, and 12 thereof and Rules U-42, U-45 and U-50 promulgated thereunder regarding the following proposed transactions:

Derby proposes to offer to the holders of its outstanding common stock of record at the close of business on the date hereinafter set forth the right to subscribe to a total of 47,039 additional shares of its common stock, without par value, on the basis of one share for six shares of common stock held on the record date. Transferable subscription warrants evidencing such rights to subscribe will be issued to stockholders but no fractional shares or scrip representing interests in fractional shares of common stock will be issued. Warrants for fractional shares will be issued which must be combined at or prior to the expiration date with other fractional warrants so as to permit the subscription to one or more full shares of common stock. Derby will appoint a Warrant Agent to facilitate the issuance and exercise of the subscription warrants and the purchase and/or sale of warrants representing fractional shares.

For convenience of holders of warrants, the Warrant Agent will buy and sell rights (not in excess of five for each warrant holder) without any charge to the warrant holder for such service.

Derby also proposes to offer to full-time regular employees, including officers, of Derby and its operating subsidiaries, The Derby Gas and Electric Company ("Derby Company"), the Danbury and Bethel Gas and Electric Light Company ("Danbury") and The Wallingford Gas Light Company ("Wallingford"), employed on the date hereinafter set forth, the privilege of subscribing, per person, for not less than five shares nor more than 150 shares of additional common stock, subject to allotment, out of the portion, if any, of the 47,039 shares not subscribed for by stockholders. Employees' subscriptions are subject to the availability of shares and will be reduced proportionately (based on the amount subscribed for) if the number of shares subscribed for exceeds the number available, except that Derby may determine to give priority to subscriptions of five shares.

The subscription privilege offered to employees will not be evidenced by any instrument, and cannot be assigned or transferred, but subscription forms will be furnished to employees. Derby reserves the right to adopt such further rules and regulations as may be necessary or expedient for the administration of subscriptions under such offer.

Preliminary letters will be sent to all shareholders and employees as soon as practicable advising them of the proposed offers.

The offer of the shares of additional common stock will be underwritten. Immediately after the subscription price is determined, Derby proposes to execute a purchase contract with an underwriter or underwriters in which there will be designated the amount of compensation to be paid by Derby to such prospective underwriter or underwriters for their services. Before executing a purchase contract with any underwriter or underwriters, Derby intends to negotiate with several prospective underwriters in order to maintain competitive conditions and to retain the underwriter or underwriters who offer to act for the lowest compensation.

The price per share at which Derby proposes to offer the additional common stock to its stockholders, employees and to underwriters will be determined by Derby. It is presently anticipated that such price shall be equal to $2 less than the "average bid" price (hereinafter defined) of Derby common stock on the "over-the-counter" market. The "average bid" price of such stock shall be equal to 20 percent of the aggregate of the bid prices (computed to the nearest even quarter of a dollar below the resulting figure) quoted in the New York Times on the five trading days immediately preceding the second business day prior to the date on which the offer to subscribe is made by the mailing of a notice, prospectus and the subscription warrants to the stockholders of Derby advising them of their right to subscribe to such stock. The mailing date of such notice, prospectus and warrants will be fixed by Derby, and it is anticipated that such date will be as early as practicable after the approval of the transactions proposed herein by the Commission and after the effective date of the Registration Statement under the Securities Act of 1933 as amended.

The offer of said right to subscribe shall be made to the stockholders of Derby of record as of the second business day prior to the date on which said notice, prospectus and warrants are to be mailed to such stockholders. The offer of said right to subscribe shall be made to employees employed as of the second business day prior to the date on which said notice, prospectus and warrants are to be so mailed to said stockholders.

Derby proposes, if considered necessary or desirable, to stabilize the price of its common stock for the purpose of facilitating the offering and distribution of the additional common stock to its stockholders and employees. In connection therewith Derby may, during the period commencing with the opening of business on the day when the price per share is determined by Derby and terminating at the close of business on the next business day thereafter, purchase shares of common stock of Derby, such purchases to be at a price no higher than the last previous sale and to be made through brokers with the payment of the regular commissions, or in the open market or otherwise. With respect to such stabilizing activities Derby will at no time acquire a net long position in shares of common stock in excess of 5 percent of the common stock to be issued. Any shares of common stock acquired by Derby pursuant to stabilizing activities will be included in the amount to be offered to underwriters.

The proposed purchase contract will provide that the underwriter or underwriters will agree that in case any shares of common stock to be purchased shall be sold by the underwriter or underwriters prior to the expiration of 30 days following the expiration of the subscription period for a price in excess of 75 cents per share plus the purchase price (the excess to be computed before the deduction of any expenses, selling commissions and/or concessions), the underwriter or underwriters shall pay to Derby, in addition to the purchase price per share, a sum equal to 50 percent of such excess, such additional payment, if any, to be made by the underwriters to Derby as promptly as practicable after the expiration of such 30 days.

The proceeds of the sale of common stock will be applied primarily to the payment and prepayment, without premium, of outstanding notes payable to banks, in the aggregate principal amount of $800,000. The proceeds of the sale, other than the amount necessary to pay or prepay the short-term indebtedness of Derby will be donated, as needed, by Derby to its subsidiaries as capital contributions in accordance with the Account No. 270 "Capital Surplus", of the Uniform System of Accounts prescribed by the Connecticut Public Utilities Commission providing for crediting any donation by stockholders to capital surplus.

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

Derby having filed an amendment reciting that Manufacturers Trust Company has been selected to serve as Warrant Agent in connection with such rights and subscription offering and that Derby proposes to enter into an underwriters Purchase Contract with Allen & Co. which provides that such company shall receive $0.22 (twenty-two cents) per share as compensation for standby underwriting services in connection with all of said stock to be offered and $0.10 (ten cents) per share for shares of unsubscribed stock and for shares of stock

acquired through the exercise of subscription warrants purchased by the underwriters;

Notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for a hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and the Commission finding that the applicable provisions of the act are satisfied and observing no basis for adverse findings, and deeming it appropriate to permit said declaration, as amended, to become effective forthwith; and

The record not having been completed with respect to the fees and expenses proposed to be incurred in connection with said transaction:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said declaration, as amended, be and become effective forthwith, subject to the terms and conditions contained in Rule U-24, and subject to the further condition that jurisdiction is reserved over all fees and expenses incurred or to be incurred with respect to said transactions.

By the Commission.

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

[F. R. Doc. 53-5012; Filed, June 4, 1953; 8:47 a. m.]

[File No. 812-830]

E. I. DU PONT DE NEMOURS AND CO.

NOTICE OF FILING REQUESTING ORDER EXEMPTING CERTAIN LOANS TO EMPLOYEES BY AFFILIATE OF INVESTMENT COMPANY

JUNE 1, 1953.

Notice is hereby given that E. I. du Pont de Nemours and Company ("du Pont"), Wilmington, Delaware, which is controlled by Christiana Securities Company, a registered closed-end, nondiversified investment company, which in turn is controlled by Delaware Realty and Investment Company, also a registered, closed-end, nondiversified investment company, has filed an application pursuant to sections 6 (c) and 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting the transactions summarized below from the prohibitions contained in section 17 (a) (3) of the act:

Du Pont proposes, when in its opinion circumstances warrant and only in accordance with general or specific actions of its Executive Committee or Finance Committee, to assist employees (other than officers or directors of du Pont or of any affiliated company) through the making and holding of mortgage loans for the purpose of aiding employees to acquire residential property. Du Pont also proposes to make advances to such employees for emergency funds needed because of serious and costly illness in family, for transportation and settling family's new home, etc. The amount to be on loan to any individual at any time is not to exceed $10,000, and the aggregate amount of such loans to be outstanding at any time is not to exceed $2,000,000.

Du Pont states that it is its intention, except in cases where the circumstances may indicate that it would be to the benefit of the company to do otherwise, that such loans will bear interest at rates in keeping with those of lending institutions for the same type of loan, and that in order to encourage employees not to apply for employer loans, liquidation of any loan will be required in the shortest time consistent with the employee's financial status.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company, including an employee of an affiliated company thereof, from borrowing any money from any company controlled by such registered investment company, subject to certain exceptions, unless the Commission upon application pursuant to section 6 (c) or section 17 (b) of the act, grants an exemption from the provisions of section 17 (a). The applicant states that the terms of the proposed transactions including the consideration to be paid are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the transactions are consistent with the policy of each registered investment company concerned as recited in its registration statements and reports filed under the act and are consistent with the general purposes of the act.

Notice is further given that any interested person may, not later than June 19, 1953, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

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

[F. R. Doc. 53-5014; Filed, June 4, 1953; 8:48 a. m.]

[File No. 812-831]

AMERICAN RESEARCH AND DEVELOPMENT CORP. AND IONICS, INC.

NOTICE OF FILING REQUESTING ORDER EXEMPTING CERTAIN TRANSACTIONS BETWEEN AFFILIATES

JUNE 1, 1953.

Notice is hereby given that American Research and Development Corporation ("Research"), Boston, Massachusetts, a registered closed-end, nondiversified investment company, and its controlled company, Ionics, Incorporated ("Ionics"), Cambridge, Massachusetts, have filed a joint application pursuant to section 17 (b) of the act seeking an order exempting the transactions summarized below from the prohibitions contained in section 17 (a) of the act.

Ionics, a Massachusetts corporation organized in 1948, is engaged in the development of ion-exchange processes and materials and research work for itself and others in ion-exchange chemistry, metallurgy, and others fields, most of which it is stated is of a confidential classified nature. The application states that during 1952 and 1953 the company has demonstrated small scale models of electrical apparatus, employing its ion-exchange membranes, for the demineralization of sea water and brackish waters, which models perform more efficiently than other methods presently in use. It is further stated that Ionics is currently engaged in extensive research and development of these ion-exchange membranes and processes looking toward the manufacture and sale of large scale and commercial units for water demineralization and for other adaptations, including the concentration and purification of industrial solutions and continuous fractionation of inoraginc and some organic chemicals.

Ionics has presently outstanding 1,489 shares of 5 percent preferred stock having a par value of $100 per share, all of which are owned by Research. Research acquired this stock at a cost of $100 per share and at March 31, 1953 there were arrearages on such stock of $6.25 a share. In addition, Ionics has outstanding 11,500 shares of common stock of which 7,500 shares or 65.2 percent is held by Research. The balance of the common stock is owned by 9 persons who are officers, directors and employees of Ionics. Research also holds a $50,000, 5 percent note of Ionics due March 3, 1957.

Ionics proposes a plan of recapitalization pursuant to which (a) its presently outstanding preferred and common stocks will be reclassified into a single new class of common stock having a par value of $1.00 a share and (b) certain restrictions on the transferability of the company's capital stock would be eliminated. Under this plan the 1,489 shares of preferred stock held by Research will be exchanged for 79,568 shares of new common stock, which is at the rate of 53.4 shares of new common stock for each share of preferred stock, and the presently outstanding 11,500 shares of common stock will be exchanged for 184,000 shares of new common stock, which is at the rate of 16 shares of new common stock for each share of old common stock. Under the plan Research will receive 199,568 shares of such new common stock (75.8 percent) out of a total of 263,568 shares to be issued. The plan is subject to the approval of not less than 95 percent of all stockholders of each class of the presently outstanding stock of Ionics.

Ionics states that the recapitalization is a necessary step to the raising of additional funds through the sale of common stock for needed expansion. In this connection Ionics states that the development of its ion-exchange membrane demineralizers and related equipment to

the commercial state and to the manufacture and sale of the same will require the expenditure of substantial new capital funds in the business. It is also stated that more facilities and personnel will be required not only for this program but for the company's development work in metallurgical and other fields and for the servicing of its increased volume of contract research and development for others. In order to raise the additional new funds needed Ionics, proposes, after consummation of the recapitalization plan, to sell to the public through underwriters not less than 131,784 additional shares of its new common stock. Research would own 50.5 percent of all of the new common stock outstanding after such sale.

At March 31, 1953, Research valued its 7,500 shares of common stock of Ionics at $500,000 and its 1,489 shares of preferred stock at $148,900. The application states that if a similar valuation is placed on the common stock not owned by Research that the entire presently outstanding preferred and common stock of Ionics would have a total value of $915,559. On the basis of such a valuation the 199,568 shares of new common stock to be issued to Research would have a value of $694,440 as compared with its present valuation of its holdings of Ionics' stocks of $648,900.

Notice is further given that any interested person may not later than June 15, 1953, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-5015; Filed, June 4, 1953; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 31274]

KANSAS INTRASTATE FREIGHT RATES AND CHARGES

NOTICE OF INVESTIGATION AND HEARING

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 28th day of May A. D. 1953.

It appearing, that a petition, dated April 3, 1953, has been filed on behalf of The Atchison, Topeka and Santa Fe Railway Company and other common carriers by railroad operating to, from and between points in the State of Kansas, in interstate and intrastate commerce, averring that in Ex Parte No. 175, Increased Freight Rates, 1951, 281 I. C. C. 557 and 284 I. C. C. 589, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charge for interstate application throughout the United States; and that increases under such authorizations have been made;

It further appearing, that the petitioners allege that the State Corporation Commission of the State of Kansas, by various orders, has refused to authorize or permit them to apply to the transportation of the following commodities, moving intrastate by railroad in Kansas, increases in freight rates and charges thereon corresponding to those approved for interstate application in the proceeding above cited:

Hay, carloads,
Agricultural limestone, carloads,
Clay sewer pipe, clay drain tile, and articles grouped therewith, carloads,
Bituminous coal, carloads.
Petroleum and its products, carloads,
Cement, carloads,
Sugar beets, carloads,
Articles moving on class rates, carload, any quantity, and less-carload.

It further appearing, that the petitioners allege that such refusal causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against interstate commerce in violation of section 13 of the Interstate Commerce Act;

And it further appearing, that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Kansas:

It is ordered, That, in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Kansas, for intrasate transportation of property, made or imposed by authority of the State of Kansas, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in said Ex Parte No. 175, Increased Freight Rates, 1951, supra, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Kansas which are subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Kansas be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the State Corporation Commission of the State of Kansas, at Topeka, Kansas;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-5020; Filed, June 4, 1953; 8:49 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 19-A]

COLUMBIA NEWBERRY AND LAURENS RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 19, and good cause appearing therefor: *It is ordered*, That:

(a) Taylor's I. C. C. Order No. 19, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 11:00 a. m., May 29, 1953.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., May 29, 1953.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 53-5022; Filed, June 4, 1953; 8:49 a. m.]