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TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

[General Sugar Quota Regs., Series 10, No. 1, Amdt. 7]

PART 821—SUGAR QUOTAS

SUGAR QUOTAS FOR 1948

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948 and is made for the purpose of prorating area deficits which are hereby determined. Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any domestic area, the Republic of the Philippines, or Cuba will be unable to market its quota. If he so finds, the quotas for the domestic areas and Cuba shall be revised by prorating an amount of sugar equal to any deficit so determined to the other such areas on the basis of the quotas then in effect.

Since the Sugar Act provides that the quota for any domestic area, the Republic of the Philippines, Cuba, or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any determination of deficit, and makes the prorating of such deficits a mere mathematical computation, it is hereby determined and found that compliance with the notice and procedure requirements of the Administrative Procedure Act is unnecessary. Furthermore, in order to afford shippers in affected countries an adequate opportunity to ship the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby found and determined that compliance with the effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest and the amendment herein shall become effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar

Act of 1948 (7 U. S. C., Supp. I, 1100) and the Administrative Procedure Act (60 Stat. 237) General Sugar Quota Regulations, Series 10, No. 1 (13 F. R. 133) as amended (13 F. R. 1303, 3109, 4009, 4660, 5015, 5205) are hereby further amended by adding to § 821.5 new paragraphs (i) and (j) as follows:

§ 821.5 Determination and prorations of area deficits. * * *

(i) *Deficit in quota for domestic sugar beet area.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1948 the domestic beet sugar area will be unable by an amount of 100,000 short tons of sugar, raw value, to market the quota established for that area in § 821.3 and paragraph (b) of this section.

(j) *Proration of deficit in quota for the domestic beet sugar area.* An amount of sugar equal to the deficit determined in paragraph (i) of this section is hereby prorated, pursuant to subsection (a) of section 204 of the act, as follows:

Area:	Additional quotas in terms of short tons, raw value
Puerto Rico.....	25,825
Cuba.....	74,175

Statement of Bases and Consideration

Area deficits. (1) *Domestic beet sugar area.* Against the 1948 sugar quota of 1,847,738 short tons the domestic beet sugar area delivered an estimated 1,313,000 short tons of sugar, or 71 percent of its total quota during the period January through September 1948. Deliveries of beet sugar for a like period for the past 13 years, 1935-1947, inclusive, averaged 75.2 percent of calendar year total marketings. In the light of this percentage distribution the domestic beet sugar area probably will not market a quantity of sugar significantly in excess of 1,746,000 short tons, raw value, in the calendar year 1948 or 433,000 short tons in the fourth quarter. In only one year, namely, 1938, has the beet sugar area marketed more than 433,000 short tons of sugar in the fourth quarter. In the

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fourth quarter of that year 532,000 short tons of sugar were marketed, 270,000 short tons of which were marketed during the month of December. However, the 1938 crop exceeded 1,800,000 short tons, raw value, which is considerably in excess of the crop of less than 1,600,000 indicated for 1948. Since the original quota for the domestic beet sugar area, together with the proration of the first deficit in the quota for Hawaii determined in General Sugar Quota Regulations, Series 10, No. 1 (13 F. R. 133), amounts to 1,847,738 short tons of sugar, raw value, it has been determined that the domestic sugar beet area will be unable to market 100,000 short tons of sugar, raw value, of its quota established by such regulations. Therefore, 100,000 short tons of sugar, raw value, have been prorated under section 204 of the act to Puerto Rico, the only domestic producing area able to market in excess of its existing quota, and to Cuba.

Exclusion of domestic areas from prorations. (1) Since under General Sugar Quota Regulations, Series 10, No. 1, and amendments thereto quota deficits have already been declared for the domestic sugar producing areas of Hawaii and the Mainland Cane Sugar Area, these areas are excluded from the proration of the deficit herein established.

(2) Virgin Islands: Current estimates of production show that the Virgin Islands will be unable to market more than their current quota of 6,159 short tons of sugar, raw value, in the calendar year 1948, and, therefore, this area is excluded from the proration of the deficit herein established.

After giving effect to the changes set forth in General Sugar Regulations, Series 10, No. 1, and Amendments 1 to 6 thereto, the current sugar quotas, in terms of short tons, raw value, for the several domestic sugar producing areas, Cuba, the Republic of the Philippines, and "Other Foreign Countries" are as follows:

BASIC QUOTAS, PRORATIONS OF DEFICITS AND ADJUSTED QUOTAS FOR 1948
[Short tons, raw value]

Production area	Basic quotas ¹	Proration of deficits in quotas				Adjusted quotas
		First and second Hawaiian	First and second Philippine	Mainland cane	Domestic beet	
Domestic beet.....	1,800,000	47,738			(100,000)	1,747,738
Mainland cane.....	500,000	13,260		(100,000)		413,260
Hawaii.....	1,052,000	(227,000)				825,000
Puerto Rico.....	910,000	44,835		27,601	23,825	1,005,261
Virgin Islands.....	6,000	159				6,159
Philippines.....	982,000		(742,000)			240,000
Cuba.....	1,923,480	121,008	704,900	72,399	74,175	2,895,962
OTHER FOREIGN COUNTRIES						
Dominican Republic.....	4,736.0		10,494.8			15,230.8
Republic of Haiti.....	654.5		1,209.4			1,923.9
Mexico.....	4,283.9		4,067.5			8,351.4
Nicaragua.....	2,122.5					2,122.5
Peru.....	7,893.3		17,491.4			25,384.7
Salvador.....	5,829.8		1,776.9			7,606.7
Unallotted.....	1,000.0		2,000.0			3,000.0
Subtotal.....	26,520.0		37,100.0			63,620.0
Total.....	7,200,000					7,200,000

¹ Figures for "Other foreign countries" represent adjusted basic prorations. However, by reason of section 204 (c) of the act, each individual country retains its basic proration in effect on September 1.

(Pub. Law 388, 80th Cong.; 61 Stat. 922)
Done in Washington, D. C., this 11th day of October, 1948.

A. J. LOVELAND,
Acting Secretary.

[F. R. Doc. 48-9103; Filed, Oct. 14, 1948; 8:48 a. m.]

TITLE 10—ARMY

Chapter V—Military Reservations and National Cemeteries

TRANSFER AND REVISION OF REGULATIONS

CROSS REFERENCE: For revised regulations formerly contained in this chapter, see Title 34, Chapter V, Parts 552 through 557, *infra*.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration

[Amdt. 9]

PART 600—DESIGNATION OF CIVIL AIRWAYS

REDESIGNATION OF CIVIL AIRWAYS

It appearing that (1) the increased volume of air traffic between certain points necessitates, in the interest of safety in air commerce, the immediate realignment of a civil airway between such points; (2) the realignment of the civil airway referred to in (1) above has been coordinated with the civil operators involved, the Army, and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (3) compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307, and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Fed-

eral Regulations, Title 14, Chapter II, Part 600, as follows:

Redesignation of Civil Airways; Blue Civil Airway No. 19

Section 600.4 (d) (19) is amended to read:

(19) *Blue civil airway No. 19 (Miami, Fla., to Orlando, Fla.)*. From the Miami, Fla., radio range station via the intersection of the north course of the Miami, Fla., radio range and the southeast course of the Orlando, Fla., radio range, excluding that portion which lies more than 2 miles east of the north course of the Miami, Fla., radio range between Latitude 25°58'00" and Latitude 26°17'00", to the Orlando, Fla., radio range station.

This amendment shall become effective 0001 e. s. t., October 15, 1948.

(Sec. 205, 301, 302, 307, and 308, 52 Stat. 984, 985, 986; 54 Stat. 1233, 1235; Pub. Law 872, 80th Cong.; 49 U. S. C. 425, 451, 452, 457, 458)

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-9091; Filed, Oct. 14, 1948; 8:46 a. m.]

[Amdt. 13]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

REDESIGNATION OF CONTROL AREAS AND REPORTING POINTS

It appearing that (1) the increased volume of air traffic between certain points necessitates, in the interest of safety in air commerce, the immediate redesignation of control areas, including reporting points, between such locations; (2) the establishment of the control areas referred to in (1) above has been coordinated with the civil operators involved, the Army, and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (3) compliance with the notice, procedures, and effective

date provisions of section 4 of the Administrative Procedure Act would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307, and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 601, as follows:

Redesignation of Control Areas and Reporting Points: Blue Civil Airway No. 19

1. Section 601.4 (d) (19) is amended to read:

(19) *Blue civil airway No. 19 control areas (Miami, Fla., to Orlando, Fla.)*. All of Blue civil airway No. 19.

2. Section 601.9 (d) (19) is amended to read:

(19) *Blue civil airway No. 19 (Miami, Fla., to Orlando, Fla.)*. No reporting point designation.

This amendment shall become effective 0001 e. s. t., October 15, 1948.

(Sec. 205, 301, 302, 307, and 308, 52 Stat. 984, 985, 986; 54 Stat. 1233, 1235; Pub. Law 872, 80th Cong.; 49 U. S. C. 425, 451, 452, 457, 458)

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-9092; Filed, Oct. 14, 1948; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52063]

PART 100—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE BUREAU OF CUSTOMS

DELEGATION OF AUTHORITY IN CONNECTION WITH MARINE ADMINISTRATION

Delegation of authority; entry and clearance of vessels at places other than ports of entry; change of name of documented vessels (19 CFR 100.3 amended).

Section 100.3 (19 CFR, 1946 Supp., 100.3), as amended by T. D. 51609, is further amended by the addition of new paragraphs (i) and (j) reading as follows:

§ 100.3 *Delegation of authority*. * * *

(i) The collector of customs concerned is hereby designated, pursuant to section 103 of Reorganization Plan No. 3 of 1946 (3 CFR, 1946 Supp., ch. IV), as the officer of the Bureau of Customs who may, subject to the limitations prescribed, perform the function transferred to the Commissioner of Customs by section 102 of said Reorganization Plan of authorizing the entry or clearance of any vessel to be made at a place in his district other than a port of entry pursuant to section 447 of the Tariff Act of 1930. Such authorization shall be granted by the collector only upon the condition that the vessel will be under such customs supervision as he may

deem to be necessary; that compliance will be had with all applicable customs and navigation laws and regulations; that the salary and expenses of the customs officer for such time as is required to be devoted to entry and clearance work, together with any expense incurred by such officer for services rendered in connection with the entry or delivery of merchandise, shall be reimbursed to the Government under the provisions of § 1.2 (c) of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 1.2 (c)); and that the collector shall be notified in advance of the arrival of the vessel concerned.

(j) Under the authority contained in section 103 of Reorganization Plan No. 3 of 1946 (3 CFR, 1946 Supp., ch. IV), the collector of customs of any district in which the home port of a vessel of the United States is located is hereby designated as the officer of the Bureau of Customs who may perform the function transferred to the Commissioner of Customs by section 102 of said Reorganization Plan of authorizing the change of name of such vessel pursuant to the act of February 19, 1920 (46 U. S. C. 51-53).

(Reorg. Plan No. 3 of 1946; 3 CFR, 1946 Supp., ch. IV)

[SEAL] W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: October 8, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-9106; Filed, Oct. 14, 1948;
8:50 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Economic Cooperation Administration

[ECA Reg. 1, as amended Oct. 15, 1948]

PART 1111—PROCEDURES FOR FURNISHING ASSISTANCE TO PARTICIPATING COUNTRIES

Preamble. The provisions of this regulation concerning the terms and conditions for establishing accounts in banking institutions in the United States have been approved by the Secretary of the Treasury. ECA Regulation 1 is amended in its entirety to read as follows:

Sec.
1111.1 Definition of terms.
1111.2 What this part does.

SUBPART A—AUTHORIZATION PROCEDURE

1111.3 Dollar allotments, commodity applications and procurement authorizations.
1111.4 Sub-authorizations.
1111.5 Qualifications on issuance of procurement authorizations.
1111.6 General provisions incorporated in procurement authorizations.
1111.7 Ocean transportation.
1111.8 Project authorizations.
1111.9 Provisional authorizations.
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SUBPART B—RESPONSIBILITIES OF IMPORTERS AND SUPPLIERS

1111.11 Use of procurement authorization number.
1111.12 Placement of orders and delivery dates.
1111.13 Marking requirements.

SUBPART C—REIMBURSEMENT FOR ASSISTANCE

Sec.
1111.14 Types of reimbursement.
1111.15 Reimbursement for specific procurement payments by a participating country.
1111.16 Letter of commitment to a banking institution.
1111.17 Letter of commitment to a supplier.
1111.18 Standard documentation required for reimbursement.
1111.19 Purchase in bulk of commodities.
1111.20 Procurement by U. S. Government agencies.
1111.21 Saving clause.

AUTHORITY: §§ 1111.1 to 1111.21 issued under secs. 111, 403, Pub. Law 472, 80th Cong.

§ 1111.1 *Definition of terms.* For the purposes of this part:

(a) "The act" shall mean the Foreign Assistance Act of 1948, Pub. Law 472, 80th Cong.

(b) "ECA" shall mean the Economic Cooperation Administration.

(c) "The Administrator" shall mean the Administrator for Economic Cooperation.

(d) "Participating country" shall have the meaning assigned to it in section 103 (a) of the act and shall also include China, and shall include any authorized agent of a participating country.

(e) "Banking institution in the United States" shall mean a banking institution organized under the laws of the United States, any State, territory or possession thereof, or the District of Columbia.

(f) "Approved Applicant" shall mean the Approved Applicant (which may be any participating country or any person or organization, governmental or otherwise) named in any Letter of Commitment issued to a banking institution in the United States pursuant to Subpart C of this part; and shall include any agent authorized to act on behalf of an Approved Applicant.

(g) "Reimbursement" shall mean any of the methods set forth in Subpart C of this part used by ECA to pay for any commodity or service furnished to a participating country under the act.

(h) "Delivery" shall mean the transfer to or for the account of a participating country of custody and right of possession of any commodity or the rendering to or for the account of a participating country of any service.

(i) "Importer" shall mean any person or organization, governmental or otherwise, to which a participating country has made a subauthorization (see § 1111.4).

(j) "Supplier" shall mean any person or organization, governmental or otherwise, which furnishes any commodity or service under the act.

(k) "Source" shall mean country or area of origin.

§ 1111.2 *What this part does.* (a) Subpart A of this part describes the procedures for enabling participating countries to use ECA dollars to get commodities and services under the act.

(b) In general, the fact that a particular purchase is to be paid for by ECA will not basically affect the way in which an importer or supplier does business. Subpart B of this part, however, describes certain things which an importer must

do when he has been told by his Government that he is buying under the act, and which a supplier must do when he obtains an order that is to be paid with ECA dollars.

(c) Subpart C of this part describes the procedures for obtaining reimbursement for assistance furnished under the act.

SUBPART A—AUTHORIZATION PROCEDURE

§ 1111.3 *Dollar allotments, commodity applications and procurement authorizations.* (a) The ECA will determine, from time to time, the amount of dollars to be made available, normally by calendar quarters, to each participating country to cover commodities and services to be delivered in such quarters. The determination (on Form ECA-201¹) will normally be made 120 days in advance of each calendar quarter and will state the full allotment of dollars for such quarter, and partial allotments for subsequent quarters. After this determination is made, the participating country will file with ECA Form ECA-202¹ (with Forms ECA 202A,¹ 202B,¹ and 202C¹ when required by the quarterly instructions). These forms indicate what commodities and services the country desires to get with its ECA dollar allotment. The forms will be filed with ECA, Washington, D. C., normally 90 days in advance of the first quarter covered by the Form ECA-201.

(b) The ECA will review the Forms ECA-202 to determine that the proposed purchases of commodities and services are in accordance with the objectives of the European Recovery Program or the China Aid Program and the provisions of the act and any acts amendatory thereof or supplemental thereto. Having decided this, ECA will issue Procurement Authorizations on Form ECA-203.¹ These Procurement Authorizations will cover commodities and services that may be purchased with ECA dollars for delivery in the particular period stipulated by the Procurement Authorization and will specify the source from which the commodities or services (other than ocean transportation) are to be obtained. Procurement Authorizations may provide for delivery in such future calendar quarters as may be necessary. Requests by the participating country for changes in Procurement Authorizations may be made on Form ECA-205.¹

(c) Each Procurement Authorization will bear a Procurement Authorization number and the issuance of the Procurement Authorization will constitute authority to the participating country to use the Procurement Authorization number in placing orders in accordance with the terms of the Procurement Authorization. The Procurement Authorization number will indicate the participating country to which the authorization is given, the Commodity Code (see par. (d) of this section), the source from which the materials are to be obtained, and the delivery period to which the Procurement Authorization refers.

The following is an example of a Procurement Authorization number:

¹ Filed with the original document.

88	010	00	491
Participating country	Commodity code	Source	Period
France	Bread grains	United States	First quarter 1949

The first two digits of the last group indicate the year; the last digit, the calendar quarter. In the example above, the number 491 means that orders may be placed for delivery during the first quarter of 1949. In some cases, the last group of digits may be 091. This means that orders may be placed for delivery during the six months ending March 31, 1949.

(d) Application on Form ECA-202 will be made in terms of the three-digit ECA Commodity Codes which are listed in the official ECA Commodity Code Book,¹ as revised September 10, 1948 or in subsequent revisions. Authorization on Form ECA-203 will normally be made in the same Commodity Codes, but in certain instances the Procurement Authorization may be restricted to one or more commodities within a Commodity Code.

§ 1111.4 *Sub-authorizations.* (a) For all procurement under Procurement Authorizations, the participating country will make sub-authorizations to importers within the terms of the Procurement Authorizations. The participating country will authorize the importer to use the Procurement Authorization number in placing orders and will specify to the importer the commodity or service, source, dollar value, the quarter in which delivery is to be made, and all other terms and provisions of the Procurement Authorization which are applicable to the sub-authorization. Where practicable, this paragraph shall apply to ocean transportation.

(b) Each participating country will maintain a record of the Procurement Authorizations received and procurement authorized thereunder, and will report to ECA on Form ECA-204¹ with respect to such procurement authorized by the participating country. In the case of ocean transportation, reports on Form ECA-204 will show the extent to which costs have been incurred or authorized under Ocean Transportation Procurement Authorizations.

§ 1111.5 *Qualifications on issuance of Procurement Authorizations.* (a) On and after November 1, 1948, or such earlier dates as may have been established for specific commodities, no Procurement Authorization will be issued covering the procurement of a commodity or service delivered before the issuance of the Procurement Authorization.

(b) On and after January 1, 1949, or such earlier dates as may have been established for specific commodities, no Procurement Authorization will be issued covering the procurement of a commodity or service contracted for before the issuance of the Procurement Authorization. This paragraph shall not apply to ocean transportation.

¹ Filed with the original document.

§ 1111.6 *General provisions incorporated in Procurement Authorizations.* Each Procurement Authorization issued shall be deemed to incorporate the following provisions:

(a) *Reimbursement.* Upon receipt of the documents required for reimbursement by this part, the Administrator will reimburse the participating country up to the amount specified in the Procurement Authorization for the assistance described in the Procurement Authorization. If a Letter of Commitment to a banking institution in the United States is issued under the Procurement Authorization, such reimbursement will be made to or for the account of the Approved Applicant named in the Letter of Commitment in accordance with the terms thereof. If a Letter of Commitment to a supplier is issued under the Procurement Authorization, such reimbursement will be made in accordance with the terms of such Letter of Commitment.

(b) *Discounts.* If a contract for which reimbursement is claimed provides for a discount and such discount has not been taken in paying the supplier, the Administrator will withhold the amount of such discount in making reimbursement directly to a participating country, or will demand repayment of such discount from the participating country where reimbursement is made under Letter of Commitment to a banking institution in the United States.

(c) *Assignment of right to receive reimbursement.* The right to receive reimbursement under a Procurement Authorization may be assigned, in whole or in part, to a banking institution in the United States, but no such assignment shall be valid unless the proposed assignee has been approved by the Administrator.

(d) *Modification or revocation.* The Administrator reserves the right at any time and from time to time, and for any reason or cause whatsoever, to supplement, modify, or revoke any Procurement Authorization (including termination of deliveries under the Procurement Authorization).

In the event of any supplement, modification, or revocation, the right of reimbursement will be modified or terminated accordingly, except that if a Letter of Commitment has been issued, the rights of the holder of any such Letter of Commitment shall not be affected except to the extent specified in such Letter of Commitment.

(e) *Refund to Administrator.* The participating country will pay promptly to the Administrator upon demand the entire amount reimbursed (or such lesser amount as the Administrator may demand) whenever it appears to the Administrator that the documentation submitted by or on behalf of the participating country (or any approved applicant named in a Letter of Commitment) does not support the expenditure for which the reimbursement was made or whenever the Administrator determines that the reimbursement was improper as being in violation of any of the provisions of the act, any acts amendatory thereof or supplemental thereto, any relevant appropriation acts, or any rules, regula-

tions or procedures of ECA promulgated under any of said acts.

(f) *Export licenses.* Where procurement is effected in the United States for any commodity covered by a Procurement Authorization, export licenses must be obtained from the U. S. Department of Commerce. All exports from the United States of commodities furnished under the act are subject to export quotas established and export license control exercised by the U. S. Department of Commerce.

(g) *Copy of contract.* One copy of all contracts, purchase orders, or other documents constituting the purchase agreement and any amendments thereto including amendments to establish final prices (each of which must be identified by the appropriate Procurement Authorization number) must be sent to the Controller, ECA, Washington, D. C., promptly upon issuance.

As a minimum, all purchase agreements should normally include: contract date; quantity, description, source and dollar value of the commodity or service; delivery basis and period; terms of payment; names and addresses of supplier, importer and commission agent or broker (if any); and amount of commission or brokerage (if any). If the invoice value is subject to adjustment after determination of outturn weight or quality, or for any other reason, the purchase agreement must so indicate. If the final price has not been established, the purchase agreement must state the terms upon which the price is to be ascertained and from which the contract price may be objectively determined. When contract terms and conditions relate to basic trade association contract forms or rules, such forms or rules must be furnished, but need not be furnished more than once.

This paragraph shall not apply to ocean transportation.

(h) *Airmail distribution of ocean bills of lading.* The participating country will instruct importers to advise shippers to airmail at the time of loading one copy (or photostat) of ocean or charter party bill of lading or airwaybill to the Controller, ECA Mission, American Embassy in the capital city of the participating country receiving the shipment.

(i) *Price limitations.* ECA will not make reimbursement directly to a participating country for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States, adjusted as provided in § 1111.19, which establishes the procedures for compliance with section 202 of the Foreign Aid Appropriation Act, 1949. In case reimbursement for such purchase at prices higher than the market price is made under Letter of Commitment, the Administrator will demand repayment from the participating country of the entire amount so reimbursed.

(j) *Insurance.* No Procurement Authorization may be used to finance directly or indirectly insurance premiums on ocean shipments.

(k) *Special provisions.* The provisions of this part may be waived, amended or supplemented by special provisions in the Procurement Authorization, or otherwise pursuant to § 1111.21.

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§ 1111.7 *Ocean transportation.* (a) Ocean Transportation Procurement Authorizations and, in the case of c. & f. (cost and freight) shipments, the Procurement Authorization for the commodity involved may be used by the participating country to cover dollar services furnished in connection with shipment of:

(1) ECA-financed cargoes to the participating country on flag vessels other than those of the participating country, to the extent that payment for such services is made in dollars in accordance with the custom of the trade.

(2) Non-ECA-financed cargoes to the participating country, on United States flag vessels.

(3) Non-ECA-financed cargoes on flag vessels other than those of the participating country, but only in special circumstances where specifically authorized in writing by ECA to do so pursuant to a request in writing.

(b) In the case of chartered vessels, reimbursement will be made for cost of shipment from ports of loading to ports of discharge at rates established by charter parties (or, for tanker shipments only, by contracts of affreightment). Term charters must be submitted to ECA, Washington, D. C., for prior review and approval. Reimbursement for loading, trimming and other related shipping expenses may be made when such expenses are not for the account of the ship nor included in inland transportation charges.

(c) In the case of tanker shipments only, reimbursement will be made for demurrage.

(d) In the case of bulk dry cargo shipments only, reimbursement will not be made for demurrage incurred in excess of dispatch earnings; amounts earned for dispatch shall be credited first against demurrage, if any, and then against future ECA ocean transportation costs.

§ 1111.8 *Project authorizations.* (a) A participating country may submit from time to time to ECA for approval major industrial and commercial projects. A project will usually involve the expenditure of one million dollars or more.

(b) ECA will examine project applications to determine if they are in accordance with the objectives of the European Recovery Program or the China Aid Program, and if so may issue a project approval. This approval will cover the total ECA-financed portion of the entire project.

(c) The participating country will submit to ECA from time to time a list of the commodities and services required for the project, in terms of the ECA Commodity Codes, for delivery in specific calendar quarters. ECA will review such applications and may approve them for procurement.

(d) Project Procurement Authorizations will be issued on separate Forms ECA-203.

§ 1111.9 *Provisional authorizations.* ECA may issue from time to time Procurement Authorizations covering commodities or services for which no current Congressional appropriation is

available. Such Procurement Authorizations will indicate that ECA will undertake to finance the furnishings of the commodities or services covered thereby only in accordance with Congressional appropriations when and if made.

§ 1111.10 *Procurement by U. S. Government agencies.* When a determination has been made that any commodity or service authorized on a Procurement Authorization is to be procured by a U. S. Government agency, ECA will authorize the U. S. Government agency to procure the commodity or service in accordance with procedures established for such procurement.

SUBPART B—RESPONSIBILITIES OF IMPORTERS AND SUPPLIERS

§ 1111.11 *Use of Procurement Authorization number.* (a) Each importer to whom a sub-authorization has been made by his Government must inform his supplier that the transaction is to be financed by ECA, and must give to his supplier the Procurement Authorization number that has been given to him. The importer must also inform his supplier of any special provisions which affect the supplier in carrying out the transaction.

(b) The supplier must put the Procurement Authorization number on all documents required for reimbursement (see § 1111.18).

§ 1111.12 *Placement of orders and delivery dates.* (a) Any order placed by an importer must be for delivery within the quarter specified by the sub-authorization from his Government. A supplier must not accept an order identified by a Procurement Authorization number for a quarter in which he has not promised delivery.

(b) If a supplier has accepted, in good faith, an order for delivery in a designated quarter, he may, in agreement with the importer, make delivery not more than 60 days in advance of the beginning of that quarter and not more than 90 days after the end of that quarter, except where delivery is otherwise restricted in the Procurement Authorization and subject to export control exercised by the U. S. Department of Commerce. If it later develops that delivery cannot be made within this period, the supplier must promptly notify the importer who must in turn obtain from his Government a Procurement Authorization number applicable to the new delivery date.

§ 1111.13 *Marking requirements.* Commodities furnished under the act will be stamped, branded, tagged, stenciled or labeled with the official ECA Emblem, samples of which may be obtained from ECA, Washington, D. C. If it is not practicable to mark the commodities themselves in such manner, the containers in which the commodities are packaged will be so marked. The shipping containers, whether boxes, cases, barrels, drums, hogsheads or of other types, will also bear the official ECA Emblem. The size of the ECA Emblem may vary depending upon the size of the commodity, package, or shipping con-

tainer to be marked. In addition, the shipping containers will be stamped, branded, stenciled or labeled as follows:
ECA

(Procurement (Participating country)
Authorization No.)

(Shipper's marks)

The Procurement Authorization number and name of the participating country shall be in characters at least equal in height to the shipper's marks. The height of the ECA Emblem on the shipping container should, wherever possible, be at least twice the height of the lettering used in the shipper's marks.

Any raw materials (including coal, grain and petroleum, oil and lubricants) not shipped in containers; fibres packaged in bales; and metal and lumber mill products of a semi-finished nature which are not packaged or crated are excepted from these marking requirements. If compliance with the provisions of this section is found to be impracticable with respect to other commodities, the participating country will promptly request ECA, Washington, D. C. for an exemption from the requirements of this section.

SUBPART C—REIMBURSEMENT FOR ASSISTANCE

§ 1111.14 *Types of reimbursement.* The financing of procurement of commodities or services may be by:

(a) Reimbursement directly to a participating country for payments made by it for procurement. (See § 1111.15);

(b) Issuance of Letters of Commitment to banking institutions in the United States, undertaking to make reimbursement for payments made by them to suppliers through commercial letters of credit or otherwise on behalf of a participating country or an Approved Applicant. (See § 1111.16);

(c) Issuance of Letters of Commitment to suppliers in connection with specific contracts with or on behalf of a participating country providing for payments for commodities or services. (See § 1111.17);

(d) Charges to funds allocated to other departments, agencies, or establishments of the U. S. Government to cover costs incurred in procurement of commodities or services which the Administrator authorizes from time to time.

§ 1111.15 *Reimbursement for specific procurement payments by a participating country.* (a) Reimbursement shall be allowed only for specific payments made by a participating country for procurement covered by Procurement Authorizations and supported by the documentation required for reimbursement by § 1111.18. The supplier's certificate shall be substantially (1) in the form of Exhibit A; (2) in the case of ocean transportation only, in the form specified in § 1111.18 (b) (5); or (3) in such other form as may be designated by the Administrator.

(b) Claims for reimbursement may be allowed without the supplier's certificate in the form required by paragraph (a) of this section for payments made by a

participating country prior to April 3, 1948, to the extent that such payments related to commodities, included within Procurement Authorizations, delivered in such country subsequent to such date.

§ 1111.16 *Letter of Commitment to a banking institution.* (a) For the purpose of financing procurement through commercial letters of credit or other forms of bank credit, the Administrator may issue a Letter of Commitment to a banking institution in the United States for the purpose of assuring reimbursement, not in excess of a specified amount in dollars and in accordance with the terms of such Letter of Commitment, for sight payments made for the account of an Approved Applicant including sight payments for procurement outside the United States (including its territories and possessions). Any such payments by a banking institution in the United States made in anticipation of a Letter of Commitment and falling within the scope of payments authorized by such Letter when issued will be deemed to be payments to be reimbursed by the Administrator thereunder. The Letter of Commitment shall be substantially in the form of Exhibit B, adapted to special circumstances.

(b) Reimbursement under a Letter of Commitment shall be effected in the amounts specified therein upon presentation of the documentation required for reimbursement by § 1111.18 and by the Letter of Commitment. The supplier's certificate shall be substantially (1) in the form of Annex A or Annex B to Exhibit B; (2) in the case of ocean transportation only, in the form specified in § 1111.18 (b) (5); or (3) in such other form as may be designated by the Administrator.

§ 1111.17 *Letter of commitment to a supplier.* (a) For the purpose of financing specific procurement contracts, the Administrator may issue a Letter of Commitment to a supplier assuring reimbursement under such contract not in excess of a specified amount of dollars. The Letter of Commitment shall be issued only in connection with a specific contract (identified in terms of quantity, description and price) in connection with which the payments are scheduled, and shall incorporate the contract by reference. The Letter of Commitment shall specify the Procurement Authorization under which it is issued, and such other information as may be specifically required by the Administrator, and shall provide for such safeguards as the Administrator may direct, such as supplier's bond in the case of progress payments.

(b) The Letter of Commitment may be issued in either (1) the short form (substantially in the form of Exhibit C) for single-payment contracts wherein the payment effects a transfer of title to commodities for which the contract price equals the amount of such payments or (2) the long form (substantially in the form of Exhibit D) for multiple-payment contracts, including installment or partial deliveries and arrangements for progress payments. The Letter of Commitment may be sent to the supplier directly by ECA or by the participating country through normal

trade and banking channels or in such other manner as may be specified by the participating country.

(c) The monies due or to become due under such Letter shall be assignable by the supplier only through signing the certification in the space provided on the Letter, and only to a banking institution in the United States. If a notice of assignment is sent to the Administrator and the General Accounting Office under the Assignment of Claims Act of 1940, such notice shall not be effective unless the date and fact of such notice is indicated in the space provided for such purpose on the Letter of Commitment.

(d) To obtain reimbursement under the short-form Letter of Commitment (Exhibit C), the supplier shall execute the certification required on the reverse side thereof and shall attach such documents as are specified in the Letter of Commitment, and may submit the Letter of Commitment (with attachments) for reimbursement by the Administrator directly or through normal banking channels on an assignment basis as specified on the Letter of Commitment.

(e) To obtain reimbursement under the long-form Letter of Commitment (Exhibit D), the supplier or his assignee shall present to the Administrator at the times scheduled a properly executed voucher (Standard Form 1034 (Revised))¹ supported by documentation required for reimbursement as set forth in the Letter of Commitment. The original Letter of Commitment signed by the Administrator or his designee shall be returned to ECA at the time of final reimbursement.

§ 1111.18 *Standard documentation required for reimbursement.* Claims for reimbursement must be supported by the following documents (each of which must be identified by the appropriate Procurement Authorization number), except when and to the extent specifically waived in writing by the Administrator:

(a) For cost of any commodity, including ocean freight in c. & f. (cost and freight) transactions:

(1) Voucher SF 1034 (Revised) in original and three copies.

(2) Certificate of the supplier or of the participating country (or Approved Applicant) that copies of contracts, purchase orders, or other documents constituting the purchase agreement and any amendments thereto including amendments to establish final prices have been furnished to ECA.

(3) One copy (or photostat) of ocean or charter party bill of lading or airwaybill. In the case of any commodity sold on an f. o. b. or f. a. s. basis under Letter of Commitment to a banking institution in the United States, ECA will accept a certification from the banking institution to the effect that (i) it has been informed that the terms of sale make it impracticable for the supplier to furnish such bill of lading or airwaybill and (ii) a common carrier bill of lading, warehouse receipt at port of loading, dock receipt, or master's receipt for the commodities authorized has been received from the supplier and, in accordance

with the instructions of the Approved Applicant, has been delivered to the authorized shipping agent of the Approved Applicant against his written undertaking both to arrange for ocean shipment and to deliver to the banking institution a copy (or photostat) of ocean or charter party bill of lading or airwaybill which is to be forwarded to ECA.

(4) Supplier's certificate, in the appropriate form required by this part.

(5) One copy (or photostat) of supplier's detailed invoice showing quantity, description, price and basis of delivery (e. g., f. o. b. vessel, f. a. s.) of the commodities or services, and either marked "Paid" by the supplier, or endorsed by, or accompanied by a certificate of, an officer of a banking institution indicating that payment has been made in the amount shown on the invoice.

(6) Such additional documentation as may be required for reimbursement by endorsement upon the Procurement Authorization.

(b) For cost of ocean transportation:

(1) Voucher SF 1034 (Revised) in original and three copies.

(2) For bulk cargoes shipped under charter party, one copy (or photostat) of charter party. In the case of tanker shipments only, if shipment is not made under charter party, one copy (or photostat) of the contract of affreightment.

(3) One copy (or photostat) of ocean or charter party bill of lading or airwaybill. In the case of tanker shipments only, if the bill of lading is not immediately available, one copy (or photostat) of cablegram from ship's agent showing loaded cargo figures and a certification by the supplier of the ocean transportation that a copy (or photostat) of the bill of lading will be submitted to ECA, Washington, D. C., within 90 days from date of loading.

(4) One copy (or photostat) of the detailed invoice of the supplier indicating the vessel, flag and the dollar cost of ocean freight and related transportation charges, either marked "Paid" by the supplier or endorsed by, or accompanied by a certificate of, an officer of a banking institution indicating that payment has been made in the amount shown on the invoice. If the bill of lading (required as item (3) above) complies with the requirements of this subparagraph, no invoice is required. Claim for cost of tanker demurrage may be submitted separately and must be supported by the documentation required by this paragraph except for items (2) and (3).

(5) Supplier's certificate, which shall be set forth in or be attached to the bill of lading or the invoice, in substantially the following form:

The undersigned certifies to and agrees with the Administrator for Economic Cooperation as follows: (1) he is entitled under ECA Regulation 1, as amended October 15, 1948, to payment of the amount indicated herein for transportation services rendered; (2) aside from usual brokerage commission, he has not given or received a rebate of any kind in connection with this transaction; (3) the rate of freight for these transportation services does not exceed the rates paid to the undersigned for similar services by other customers similarly situated; and (4) he will furnish promptly to the Administrator upon

¹ Filed with the original document.

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request such information as the Administrator may require concerning this transaction.

(Date) (Supplier)

(6) Such additional documentation as may be required for reimbursement by endorsement upon the Procurement Authorization.

(c) For cost of services (other than ocean transportation):

(1) Voucher SF 1034 (Revised) in original and three copies.

(2) One copy (or photostat) of supplier's detailed invoice showing description of services and price, and either marked "Paid" by the supplier, or endorsed by, or accompanied by a certificate of, an officer of a banking institution indicating that payment has been made in the amount shown on the invoice.

(3) Such additional documentation as may be required for reimbursement by endorsement upon the Procurement Authorization.

§ 1111.19 *Purchase in bulk of commodities—(a) Definition.* The term "adjusted market price" means the market price prevailing in the United States at the time of the purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment, as determined by the Administrator.

(b) *Scope.* This section establishes the procedures for compliance with section 202 of the Foreign Aid Appropriation Act, 1949, which section 202 applies to all purchases in bulk, except those where, before the effective date of the Foreign Aid Appropriation Act, 1949 (June 28, 1948) both (1) a binding purchase contract was in effect between the parties in which the price, or the method for determining the price, was established, and (2) the Procurement Authorization was issued.

(c) *Determination of adjusted market price.* Determination of the adjusted market price may be made by the Administrator in such manner as to reflect commonly accepted trade practices. In the case of purchases in bulk made outside the United States, the Administrator may determine that the purchase price complies with said section 202 if he determines that such price, plus cost of transportation and related charges from place of purchase to the participating country at established rates, does not exceed the market price prevailing in the United States (adjusted for differences in quality and terms of payment), plus cost of transportation and related charges at established rates to the participating country. If the price of any purchase in bulk exceeds the adjusted market price, the participating country shall pay promptly to the Administrator upon demand the entire amount of the purchase price.

§ 1111.20 *Procurement by U. S. Government agencies.* When procurement of a commodity or service is made through U. S. Government procurement facilities in accordance with § 1111.10, an allocation of funds to the procuring department, agency or establishment will be made by the Administrator.

§ 1111.21 *Saving clause.* The Administrator may waive, withdraw, or amend at any time or from time to time any or all of the provisions of this part.

HOWARD BRUCE,
Acting Administrator
for Economic Cooperation.

EXHIBIT A

FORM OF CERTIFICATE BY SUPPLIER PAID BY A PARTICIPATING COUNTRY OR ITS AUTHORIZED AGENT UNDER PROCEDURE FOR REIMBURSEMENT

The undersigned hereby acknowledges notice that the payment in the amount of U. S. \$_____ claimed by him under Contract No. _____ with _____ is to be reimbursed pursuant to Procurement Authorization No. _____ to the Government of _____ by the United States of America out of funds made available under the Foreign Assistance Act of 1948, and in consideration of the receipt of such amount further certifies to and agrees with the Administrator for Economic Cooperation for the United States of America as follows:

1. The undersigned is entitled to the payment in the amount above specified under said contract and he will promptly make appropriate reimbursement to the Administrator in the event of his nonperformance, in whole or in part, under said contract, or for any breach by him of the terms of this certificate; provided, that adjustments arising out of the terms of the contract or the normal customs of the trade shall be made direct to the buyer (or otherwise in accordance with the arrangement between the parties) but the undersigned will promptly notify the Administrator concerning any such adjustment, so that the Administrator may obtain appropriate reimbursement from the participating country.

2. If the said contract is on a c. & f. (cost and freight) basis, the undersigned is entitled to payment, under ECA Regulation 1, as amended October 15, 1948, of any ocean freight charges included in the amount above specified.

3. The undersigned is the manufacturer or producer of, or a regular dealer in or exporter of, the commodity or service covered by said contract, and has not employed any person to obtain said contract under any agreement for a commission, percentage or contingent fee except to the extent, if any, of the payment of a commission, fee, or discount, to a bona fide established commercial or selling agency employed by the undersigned for the purpose of securing business, whose identity has been disclosed to the purchaser and whose terms of employment will, upon demand, be disclosed to the Administrator for Economic Cooperation.

4. The undersigned has not given or received and will not give or receive by way of side payments, "kickbacks", or otherwise, any benefit in connection with such contract except in accordance with the terms thereof.

5. The contract price under said contract does not exceed the prices paid to the undersigned, at the time the contract price or the method of determining the contract price became fixed, for similar amounts of like commodities or services by other customers similarly situated, and the undersigned has allowed all discounts for quantity purchases and prompt payment customarily allowed the other customers of the undersigned similarly situated.

6. The undersigned further certifies on the basis of information obtained from such sources as are available to him, that, to the best of his information and belief, the purchase price is no higher than the market price (which shall mean the export market price where such a price is customary in the trade) prevailing in the United States at the time of the purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

7. Payment under said contract is not based on cost-plus a percentage-of-cost.

8. The undersigned will furnish promptly to the Administrator at his request such information in such form as the Administrator may require concerning price or any other details of the purchase.

Executed at _____

(City)

-----, this _____ day of _____

(State)

-----, 19____

(Supplier)

EXHIBIT B

FORM OF ADMINISTRATOR'S LETTER OF COMMITMENT TO A BANKING INSTITUTION

-----, 194____

Re: Procurement Authorization No. _____
to _____

Approved applicant _____

GENTLEMEN: In accordance with the provisions of the Foreign Assistance Act of 1948, and the regulations promulgated thereunder, the Administrator for Economic Cooperation has approved a supply program referred to in the enclosed copy of "Procurement Authorization" of the participating country named in the caption hereof; and this Letter of Commitment is delivered to you at the request of said participating country or its authorized agent. By the Procurement Authorization the Administrator has agreed to reimburse the Approved Applicant as named in the caption hereof (upon the authorities and signatures of which as designated and identified to you by the Administrator, or known by you from your own records, you may fully rely in any action taken by you hereunder) for monies expended by or for the account of such Approved Applicant in accordance with the Procurement Authorization.

In consideration of your issuance or confirmation at your option of one or more commercial Letters of Credit or making at your option payment to suppliers (no such Letter of Credit to have a maturity, and no such payment to be made, later than _____, 194__), in accordance with application or request therefor by the Approved Applicant, the Administrator agrees with, and guarantees to, you that, in accordance with said Act, he will make reimbursement (without addition of interest or of your commissions, expenses or other charges) to the Approved Applicant, in the manner and subject to the terms and provisions hereinafter described, of the face amount of all drafts drawn under any such commercial Letter of Credit and paid by you at sight for the account of the Approved Applicant and the amount of all payments made by you at sight to suppliers for account of the Approved Applicant, up to but not exceeding the following respective dollar amounts for the procurement of not exceeding the following respective quantities of the following commodities or services:

Commodity or service	Quantity	Amount	Total

You are hereby approved as an authorized financing institution to which may be assigned the right to receive the monies due and to become due under the Procurement Authorization to the extent of the respective dollar amounts for the respective quantities of commodities or services stated above.

The making of reimbursement hereunder shall be governed solely by the terms and provisions annexed hereto and incorporated herein by reference, and shall not be af-

ected by any rights that the Administrator or the United States Government may have against the participating country, the Approved Applicant, or third parties.

If this Letter of Commitment is satisfactory to you, please sign and return the enclosed copy hereof.

Kindly advise us when final payment is made under this Letter of Commitment, or upon expiration date advise us the amount of the unused balance thereunder.

Yours very truly,

 Administrator for Economic Cooperation
 under Foreign Assistance
 Act of 1948.

By -----
 Authorized representative.

Accepted:

----- Bank,
 By -----

Terms and Provisions

1. The application or request for, and any agreement relating to, any such Letter of Credit issued or confirmed, or payment made, hereunder may be in such form and contain such terms and provisions as the Approved Applicant and you may agree upon, and the Approved Applicant and you may agree to any extension of the life of, or any other modification of, or variation from, the terms of any such Letter of Credit or any agreement covering payments to be made by you, provided that such terms and provisions and any such extension, modification or variance are in no respect inconsistent with or contrary to the terms and provisions of this Letter of Commitment, and in case of any inconsistency or conflict, the terms and provisions of this Letter of Commitment shall control. In any event every application for a Letter of Credit and every request for payment shall include the substance of the directions as to documentation required for reimbursement contained in § 1111.18 of ECA Regulation 1, as in force on the date of acceptance of the Procurement Authorization.

2. (a) Each Letter of Credit shall specify as a document required to be presented with each draft drawn thereunder a supplier's certificate, in the form annexed hereto,¹ as Annex A, signed by the beneficiary named in such Letter of Credit.

(b) Each agreement covering payments to be made by you shall similarly require that a supplier's certificate in the form annexed hereto¹ as Annex B be presented against each payment.

2. Reimbursement shall be made by the Administrator promptly (but in no event later than 30 days) after receipt by the Administrator of the documents required for reimbursement by Sec. 1111.18 of ECA Regulation 1, as in force on the date of acceptance of the Procurement Authorization, which documents in normal course should be forwarded to the Administrator promptly after you have made the payment for the amount of which reimbursement is sought.

(a) The Voucher SF 1034 (Revised) shall bear the following certification by the payee: "I certify that the above bill is correct and just; that payment therefor has not been received," shall be addressed to the Economic Cooperation Administration and shall be signed as "Payee" by the Approved Applicant, or by you as agent for and in behalf of the Approved Applicant;

¹In the case of a Letter of Commitment issued under an Ocean Transportation Procurement Authorization, the form annexed will be the form of certificate specified in § 1111.18 (b) (5), which shall be set forth in, or be attached to, the bill of lading or the invoice as provided in said section.

(b) You have no responsibility for the truth or accuracy of the statements contained in the supplier's certificate.

4. You shall transmit to the Administrator with reasonable dispatch a copy of each Letter of Credit issued or confirmed by you, and from time to time, as and when made, a copy of every extension or modification thereof. You shall make available to the Administrator, upon request, a copy of each application and agreement relating to any such Letter of Credit, or to any payment instruction or request, or extension or modification thereof, a copy of each document in your possession received by you against payment, and detailed advice of the interest, commissions, expenses, or other items charged by you in connection with each such Letter of Credit or payment instruction or request.

5. Reimbursement to the Approved Applicant shall be made by check mailed to you and payable to your order "for account of -----", there being inserted in such blank the name of the Approved Applicant.

6. Acceptance by you of any document in the ordinary course of business in good faith as being a genuine and valid document and sufficient in the premises, and the delivery thereof to the Administrator, shall constitute full compliance by you with any provision of ECA Regulation 1, as amended, the Procurement Authorization, or of this Letter of Commitment requiring delivery of a document of the sort that the document actually so delivered purports to be. You shall be entitled to receive and retain reimbursement of the amount of all payments made by you against documents so accepted, notwithstanding that such payments may be made in connection with a purchase at a price in excess of the market price prevailing in the United States at the time of the purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

7. The Administrator reserves the right at any time and from time to time, and for any reason or cause whatsoever, to supplement, modify, or revoke the Procurement Authorization (including termination of deliveries thereunder), provided however, that no supplement, modification or revocation shall become effective as to you until the receipt by you from the Administrator of written notice of such supplement, modification or revocation, and such supplement, modification or revocation shall in no event affect or impair the right of reimbursement to the extent of any payment made prior to receipt of such notice, or any obligation incurred under an irrevocable Letter of Credit issued or confirmed prior to receipt of such notice, for which you have not been repaid by the Approved Applicant (without however any obligation on your part to obtain such repayment). The term "Procurement Authorization" as used in this Letter of Commitment shall be deemed to include each such supplement or modification from and after receipt by you from the Administrator of written notice of the same, subject always however to the foregoing terms and provisions preserving rights of reimbursement in your behalf.

8. In the event the Administrator shall direct termination of deliveries under the Procurement Authorization or revoke such Procurement Authorization or supplement or modify the same in relation to the disposition of any document or documents and shall give you written notice thereof, you shall in all respects comply with the instructions of the Administrator to the extent you may do so without impairing or affecting any irrevocable obligation or liability theretofore incurred by you under any Letter of Credit issued or confirmed by you, and you shall be repaid and reimbursed hereunder

by the Administrator for the costs, expenses and liabilities paid or incurred by you in relation to such instruction. You shall have no obligation or liability whatsoever to the Approved Applicant for anything done or omitted to be done by you pursuant to such instructions of the Administrator.

9. This Letter of Commitment shall inure to the benefit of your legal successors and assigns.

ANNEX A TO THE ADMINISTRATOR'S LETTER OF COMMITMENT TO A BANKING INSTITUTION

Supplier's Certificate

Description of contract -----
 Names of parties -----

Date -----
 Commodities or services covered -----

(Brief description)

Seller's Contract No. (if any) -----

The undersigned, in negotiating or presenting for payment draft No. ----- dated -----, in the amount of \$-----

drawn by the undersigned under Letter of Credit of ----- Bank, No. -----, hereby certifies to and agrees with the Administrator for Economic Cooperation under the Foreign Assistance Act of 1948 as follows:

1. The undersigned has been informed that payment of said draft has been or is to be made by said Bank in reliance upon a Letter of Commitment issued by the Administrator, in accordance with the said Act, and that reimbursement of the amount of said draft to said Bank will be made by assignment of funds of the Administrator made available to the party for whose account said Letter of Credit was issued.

2. The undersigned is entitled to payment in the face amount of the aforesaid draft under the above-described contract, and the undersigned will promptly make appropriate reimbursement to the Administrator in the event of the non-performance by the undersigned in whole or in part under said contract or for any breach by him of the terms of this certificate; provided, that adjustments arising out of the terms of the contract or the normal customs of the trade shall be made direct to the Buyer (or otherwise in accordance with the arrangement between the parties) but the undersigned will promptly notify the Administrator concerning any such adjustment; so that the Administrator may obtain appropriate reimbursement from the participating country.

3. If the said contract is on a c. & f. (cost and freight) basis, the undersigned is entitled to payment, under ECA Regulation 1, as amended October 15, 1948, of any ocean freight charges included in the face amount of the aforesaid draft.

4. The undersigned is the manufacturer or producer of, or a regular dealer in or exporter of, the commodity or service covered by said contract, and the undersigned has not employed any person to obtain said contract under any agreement for a commission, percentage or contingent fee except to the extent, if any, of the payment of a commission, fee, or discount, to a bona fide established commercial or selling agency employed by the undersigned for the purpose of securing business, whose identity has been disclosed to the purchaser and whose terms of employment will, upon demand, be disclosed to the Administrator for Economic Cooperation.

5. The undersigned has not given or received, and will not give or receive by way of side payments, "kickbacks," or otherwise, any benefit in connection with such contract, except in accordance with the terms thereof.

6. The contract price under said contract does not exceed the prices paid to the undersigned, at the time of the contract price or the method of determining the contract price

RULES AND REGULATIONS

became fixed, for similar amounts of like commodities or services by other customers similarly situated, and the undersigned has allowed all discounts for quantity purchases and prompt payment customarily allowed the other customers of the undersigned similarly situated.

7. The undersigned further certifies on the basis of information obtained from such sources as are available to him, that, to the best of his information and belief, the purchase price is no higher than the market price (which shall mean the export market price where such a price is customary in the trade) prevailing in the United States at the time of the purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

8. Payment under said contract is not based on cost-plus-a-percentage-of-cost.

9. The undersigned will furnish promptly to the Administrator at his request such information in such form as the Administrator may require concerning price or any other details of the purchase.

Executed at _____
(City) _____, this _____ day
of _____ (State) _____, 19____.
(Supplier) _____

ANNEX B TO THE ADMINISTRATOR'S LETTER OF COMMITMENT TO A BANKING INSTITUTION

Supplier's Certificate

Description of Contract _____
Names of parties _____
Date _____
Commodities or services covered _____
(Brief description)
Seller's Contract No. (if any) _____

The undersigned hereby acknowledges notice that the payment in the amount of U. S. \$ _____ claimed by him under Contract No. _____ with _____ is to be reimbursed to the Government of _____, by the United States of America out of funds made available under the Foreign Assistance Act of 1948, and in consideration of the receipt of such amount further certifies to and agrees with the Administrator for Economic Cooperation for the United States of America as follows:

1. The undersigned is entitled to the payment in the amount above specified under said contract and he will promptly make appropriate reimbursement to the Administrator in the event of his nonperformance, in whole or in part, under said contract, or for any breach by him of the terms of this certificate: *Provided*, That adjustments arising out of the terms of the contract or the normal customs of the trade shall be made direct to the buyer (or otherwise in accordance with the arrangements between the parties) but the undersigned will promptly notify the Administrator concerning any such adjustment; so that the Administrator may obtain appropriate reimbursement from the participating country.

2. If the said contract is on a c. & f. (cost and freight) basis, the undersigned is entitled to payment, under ECA Regulation 1, as amended October 15, 1948, of any ocean freight charges included in the amount above specified.

3. The undersigned is the manufacturer or producer of, or a regular dealer in or exporter of the commodity or service covered by said contract, and has not employed any person to obtain said contract under any agreement for a commission, percentage or contingent fee except to the extent, if any, of the payment of a commission, fee or discount, to a bona fide established commercial or selling agency employed by the undersigned for the purpose of securing business, whose identity

has been disclosed to the purchaser and whose terms of employment will, upon demand, be disclosed to the Administrator for Economic Cooperation.

4. The undersigned has not given or received and will not give or receive by way of side payments, "kickbacks", or otherwise, any benefit in connection with such contract except in accordance with the terms thereof.

5. The contract price under said contract does not exceed the prices paid to the undersigned, at the time the contract price or the method of determining the contract price became fixed, for similar amounts of like commodities or services by other customers similarly situated, and the undersigned has allowed all discounts for quantity purchases and prompt payment customarily allowed the other customers of the undersigned similarly situated.

6. The undersigned further certifies on the basis of information obtained from such sources as are available to him, that, to the best of his information and belief, the purchase price is no higher than the market price (which shall mean the export market price where such a price is customary in the trade) prevailing in the United States at the time of the purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

7. Payment under said contract is not based on cost-plus-a-percentage-of-cost.

8. The undersigned will furnish promptly to the Administrator at his request such information in such form as the Administrator may require concerning price or any other details of the purchase.

Executed at _____
(City) _____ (State) _____
this _____ day of _____, 19____.
(Supplier) _____

EXHIBIT C

FORM OF SINGLE-PAYMENT LETTER OF COMMITMENT BY THE ADMINISTRATOR

(Face side)

Nonnegotiable

Letter No. _____
(City) _____ (State or county) _____
Procurement Authorization No. _____
_____, 19____
(Month) _____ (Day) _____
U. S. \$ _____

LETTER OF COMMITMENT, SINGLE-PAYMENT TRANSACTION

The Administrator for Economic Cooperation, acting for the United States of America, hereby agrees to pay _____ not more than the sum of _____ in United States dollars, as per attached copy of contract between _____ and _____, dated _____, 1948, referring to _____, and upon presentation of this Letter to him at _____, and the submission of the following documents:

Certified invoice; Inspection report; Full set of order bills of lading.

Requested by:

Authorized Agent of the Government of _____

Issued by:

(Signature)

(Title)

The right to receive monies due or to become due hereunder may be assigned only on the reverse side hereof and only to a banking institution organized under the laws of the United States, any State, Territory or Possession thereof, or the District of Columbia.

No payment will be made hereunder if attachments are missing or fail to correspond hereto.

FORM OF SINGLE-PAYMENT LETTER OF COMMITMENT BY THE ADMINISTRATOR (REVERSE SIDE)

The undersigned's assignment or collection hereof constitutes his certification to and agreement with the Administrator for Economic Cooperation for the United States of America as follows:

1. The undersigned is or will be entitled to payment in the face amount of this Letter under the contract specified on the face hereof, and the undersigned will promptly make appropriate reimbursement to the Administrator in the event of his non-performance, in whole or in part, under said contract or for any breach by him of the terms of this certificate; provided, that adjustments arising out of the terms of the contract or the normal customs of the trade shall be made direct to the buyer (or otherwise in accordance with the arrangement between the parties) but the undersigned will promptly notify the Administrator concerning any such adjustment, so that the Administrator may obtain appropriate reimbursement from the participating country.

2. If the said contract is on a c. & f. (cost and freight) basis, the undersigned is entitled to payment, under ECA Regulation 1, as amended October 15, 1948, of any ocean freight charges included in the face amount of this Letter.

3. The undersigned is the manufacturer or producer of, or a regular dealer in or exporter of the commodity or services covered by said contract, and the undersigned has not employed any person to obtain said contract under any agreement for a commission, percentage or contingent fee except to the extent, if any, of the payment of a commission, fee, or discount, to a bona fide established commercial or selling agency employed by the undersigned for the purpose of securing business, whose identity has been disclosed to the purchaser and whose terms of employment will, upon demand, be disclosed to the Administrator for Economic Cooperation.

4. The undersigned has not given or received and will not give or receive, by way of side payments, "kickbacks", or otherwise, any benefit in connection with such contract except in accordance with the terms thereof.

5. The contract price under said contract does not exceed the prices paid to the undersigned, at the time the contract price or the method of determining the contract price became fixed, for similar amounts of like commodities or services by other customers similarly situated, and the undersigned has allowed all discounts for quantity purchases and prompt payment customarily allowed the other customers of the undersigned similarly situated.

6. The undersigned further certifies on the basis of information obtained from such sources as are available to him, that, to the best of his information and belief, the purchase price is no higher than the market price (which shall mean the export market price where such a price is customary in the trade) prevailing in the United States at the time of the purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

7. Payment under said contract is not based on cost-plus-a-percentage-of-cost.

8. The undersigned will furnish promptly to the Administrator at his request such information in such form as the Administrator may require concerning price or any other details of the purchase.

(The above certification applies only to the original payee and does not apply to any subsequent holder.) Form and notice of assignment:

After executing the above certification, the payee named on the face hereof hereby assigns for value received the right to receive all monies due or to become due hereunder

to _____, a banking institution organized under the laws of _____
(Signature of assignor)

Date of notice, if any, sent to the General Accounting Office under the Assignment of Claims Act of 1940:

(Signature of person sending notice)

(Date)

[NOTE: The filing of notice of assignment with the General Accounting Office will not be deemed effective unless the date of such notice is properly noted in the space provided above.]

EXHIBIT D

FORM OF ADMINISTRATOR'S LETTER OF COMMITMENT TO SUPPLIER FOR MULTIPLE PAYMENTS

No. _____, 194...

Name of supplier _____
Address _____

Re: Contract No. _____, dated _____ with _____ under Procurement Authorization No. _____ with the Government of _____ or its authorized agent.

GENTLEMEN: The Administrator for Economic Cooperation, acting for the United States of America, hereby undertakes as herein provided to make the payments in an amount not to exceed \$000,000,000, to which you may become entitled under the above-described contract, as follows: (Describe basis for schedule of payments).

All the provisions of said contract are hereby incorporated by reference.

[Strike out the following paragraph if in applicable under the terms of the contract.]

At your option, the Administrator agrees to make progress payments to you, upon approval of the bond hereinafter required in an amount not to exceed \$000,000,000 or () percent of the total contract price. Until progress payments shall have been wholly liquidated, there shall be deducted from the amount of each contract payment otherwise due you () percent. Such deducted amount shall be credited against your obligations with respect to the progress payments and the remainder only shall be paid to you. The progress payments, or such part thereof as shall not have been liquidated as previously provided, shall be paid by you to the Administrator not later than the date provided in the contract for the completion of performance by you, or any earlier or later date as may be agreed upon by the Administrator and you with or without notice to the surety or sureties on the bond to be furnished as hereinafter provided. Before any progress payments shall be made as hereinabove provided, you shall furnish to the Administrator a bond in the amount of such advance, in such form and with such surety or sureties as may be approved by the Administrator, guaranteeing payment to the Government in accordance with the provisions of this paragraph.

All payments under the contract will be made against your invoice or voucher addressed to the Economic Cooperation Administration referring to this Letter of Commitment and accompanied by such documents as the contract may require to entitle you to payment, together with a certification by the contracting party named above that the terms and conditions of the contract are being complied with. The final payment will be made only upon a surrender to the Administrator of the signed original of this Letter of Commitment.

By your acceptance hereof you shall warrant to the Government of the United States as follows:

(1) That you are the manufacturer or producer of, or a regular dealer in or exporter of the commodity or service covered by said contract and that you have not employed any person to obtain said contract under any agreement for a commission, percentage or contingent fee, except a bona fide established commercial or selling agency employed by you for the purpose of securing business and whose identity has been disclosed to the purchaser and whose terms of employment will, upon demand, be disclosed to the Administrator for Economic Cooperation.

(2) That you have not given or received and you will not give or receive by way of side payments, "kickbacks", or otherwise any benefit in connection with such contract except in accordance with the terms thereof.

(3) That the contract price under said contract does not exceed the prices paid to you, at the time the contract price or the method of determining the contract price became fixed, for similar amounts of like commodities or services by other customers similarly situated, and you have allowed all discounts for quantity purchases and prompt payment customarily allowed your other customers similarly situated.

(4) That you further certify on the basis of information obtained from such sources as are available to you, that, to the best of your information and belief, the purchase price is no higher than the market price (which shall mean the export market price where such a price is customary in the trade) prevailing in the United States at the time of the purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

(5) That payment under said contract is not based on cost-plus-a-percentage-of-cost.

(6) That you will furnish promptly to the Administrator at his request such information in such form as the Administrator may require concerning price or any other details of the purchase.

(7) That each voucher presented by you under this Letter of Commitment will cover an amount due you under said contract for which you have not received payment, and if for any reason you are not entitled to such payment under the terms of this Letter of Commitment you will promptly after discovery of such reason make appropriate reimbursement to the Administrator with respect to any amounts paid you under this Letter of Commitment: *Provided*, That adjustments arising out of the terms of the contract or the normal customs of the trade shall be made direct to the buyer (or otherwise in accordance with the arrangement between the parties) but the undersigned will promptly notify the Administrator concerning any such adjustment, so that the Administrator may obtain appropriate reimbursement from the participating country.

(8) If the said contract is on a c. & f. (cost and freight) basis, that you are entitled to payment under ECA Regulation 1, as amended October 15, 1948, of any ocean freight charges included in any vouchers presented by you under this Letter of Commitment.

Amendments to the above described contract shall become effective only upon the approval of the Administrator.

Your acceptance of the terms and conditions hereof shall be indicated by causing your duly authorized officer or officers to execute the two enclosed counterparts hereof and by then returning one of such counterparts to this office. This Letter of Commitment shall become effective when you have so indicated your acceptance.

Very truly yours,

Administrator for Economic Cooperation for the Government of the United States.

Accepted:

NOTE: This Letter of Commitment may be assigned only on the reverse side of this page of this Letter and only to a banking institution organized under the laws of the United States, any State, Territory or Possession thereof, or the District of Columbia.

(Reverse side of signature page of Letter of Commitment to supplier)

FORM AND NOTICE OF ASSIGNMENT

After signifying his acceptance of this Letter of Commitment, the addressee named on this Letter of Commitment hereby assigns for value received the right to receive all monies due or to become due hereunder to _____

_____ a banking institution organized under the laws of _____, 194...

(Signature of assignor)

Notice to the General Accounting Office, Washington, D. C., under the Assignment of Claims Act of 1940, sent on _____ 194...

(Signature of the person sending notice)

[NOTE: The filing of notice of assignment with the General Accounting Office will not be deemed effective unless date of such notice is properly noted in the space provided above.]

[F. R. Doc. 48-9125; Filed, Oct. 14, 1948; 9:01 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 17, Amdt. 1]

PART 8317—STOCK PILING OF STRATEGIC AND CRITICAL MATERIALS

War Assets Administration Regulation 17, August 9, 1948, entitled "Stock Piling of Strategic and Critical Materials" (13 F. R. 4707) is hereby amended by changing Exhibit A, "List of Strategic and Critical Materials" with respect to those materials described as copper and lead as hereinafter set forth.

Material	Types, grades, or forms to be reported	Minimum quantity at one location to be reported (pounds)
Copper..	Refined copper in any primary form, Copper, cartridge brass, leaded brass or gilding metal in semi-finished or finished mill forms or remelt ingot. Copper, cartridge brass, leaded brass or gilding metal in the form of partially or completely manufactured articles or parts, salvaged parts, or scrap, so long as each lot is of substantially uniform composition and is not mixed with parts or scrap of other than copper base alloy composition. Demilitarized or fired brass ammunition parts, including popped or burned small arms ammunition. It is intended that all copper or copper base alloy materials having a net salvage value are to be reported.	40,000
Lead....	Concentrates. Metal, or alloys with other metals, in any form, so long as each lot is of substantially uniform composition.	50,000

(Surplus Property Act of 1944 (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); Reorganization Plan 1 of 1947 (12 F. R. 4534); and Public Law 520, 79th Cong. (60 Stat. 596))

This amendment shall become effective October 5, 1948.

JESS LARSON,
Administrator.

OCTOBER 5, 1948.

[F. R. Doc. 48-9166; Filed, Oct. 14, 1948;
11:08 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter D—Military Reservations and National Cemeteries

The regulations contained in 10 CFR, Chapter V, are hereby revised and transferred to Title 34, Chapter V, Subchapter D, Code of Federal Regulations, as follows:

Part

- 552 Regulations affecting military reservations.
553 National cemeteries.
554 Army exchanges.
555 Motion picture service.
557 Service clubs, hostesses and librarians.

PART 552—REGULATIONS AFFECTING MILITARY RESERVATIONS

REAL ESTATE

- 552.1 Real estate defined.
552.2 Real estate; how acquired.
552.3 Function of Chief of Engineers.
552.4 Leases and similar instruments.

USE OF WAR DEPARTMENT REAL ESTATE

- 552.5 Temporary use; how granted.
552.6 Rights which may be granted by Secretary of the Army.
552.7 Rights which may be granted by Secretary of the Interior.
552.8 Rights which may be granted by Secretary of Agriculture.
552.9 Rights which may be granted by Federal Power Commission.
552.10 Rights which may be granted by President of the United States.
552.10a Rights which may be granted by division engineers.
552.11 Limitations on rights which may be granted.
552.12 Rights which cannot be granted without specific statutory authority.
552.13 Forms to be used.
552.14 Payments.
552.15 Refund of rental paid.
552.16 Revocation of grants.
552.16a Real estate; claims for rent, damage, and other payments.

PHOTOGRAPHS; HARBOR DEFENSE

- 552.17 Photographs of works of defense.

POST COMMANDER

- 552.18 General duties.
552.19 Hunting and fishing permits.

INSPECTION OF STEAM BOILERS

- 552.21 Inspection of steam boilers.

AUTHORITY: §§ 552.1 to 552.21 (with the exception cited in parentheses following section affected), issued under R. S. 161; 5 U. S. C. 22.

DERIVATION: AR 100-60, May 4, 1943; AR 100-61, Oct. 10, 1947; AR 100-62, Sept. 15, 1942; AR 100-64, May 22, 1944; AR 90-40, June 25, 1942; AR 210-10, May 6, 1947; AR 210-80, Dec. 21, 1925; AR 850-300, Aug. 5, 1944.

REAL ESTATE

§ 552.1 *Real estate defined.* The term "real estate," as used in connection with the activities of the Department of the Army, includes land; buildings; piers, docks, and wharves; office and storage space; rights of way or easements,

whether temporary or permanent; and any interests which may be acquired or held therein for the use or benefit of the United States by the Army or any branch thereof.

§ 552.2 *Real estate; how acquired—*(a) *Methods of acquiring real estate.* Real property and interests therein may be acquired by the Department of the Army by:

- (1) Purchase or condemnation.
- (2) Donation.
- (3) Lease or similar instrument.

(b) *Authority to acquire real estate—*(1) *Congressional authority necessary.* No land shall be acquired on account of the United States except under a law authorizing such acquisition. See R. S. 3736; 41 U. S. C. 14.

(2) *Acts authorizing Secretary of the Army to acquire real estate.* The Secretary of the Army is authorized to acquire land, interest therein, or rights pertaining thereto needed for military purposes by purchase, condemnation, donation, or lease. See sec. 1, act August 1, 1888 (25 Stat. 357; 40 U. S. C. 257); act July 2, 1917 (40 Stat. 241), as amended by the act of April 11, 1918 (40 Stat. 518; 50 U. S. C. 171); sec. 1, act February 26, 1931 (46 Stat. 1421; 40 U. S. C. 258a); sec. 2, act August 12, 1935 (49 Stat. 611; 10 U. S. C. 1343b).

§ 552.3 *Functions of Chief of Engineers.* (a) The Chief of Engineers, under the authority of the Secretary of the Army, is charged with the acquisition of all real estate and interests therein for the use of the Department of the Army, including the procurement of leases, permits, and the transfer of lands and interests therein from other Government departments and agencies (See 55 Stat. 787; 10 U. S. C. Sup. 181b), except:

(1) In those areas outside the continental limits of the United States where the theater commander has responsibility for such real estate activities.

(2) The acquisition of trespass rights.

(3) Such other exceptions as may be specifically authorized from time to time.

(b) The Chief of Engineers is responsible that acquisitions are accomplished in accordance with Department of the Army directives and that tracts are eliminated whenever this action will not decrease the general usefulness of the area for the purpose for which it is being acquired. Boundaries or priorities of acquisition will not be changed without the approval of the Chief of Engineers.

(c) To avoid any possibility of misunderstanding by property owners, and resultant embarrassment to the Department of the Army, under no circumstances will commitments be made, either by negotiation or by the dissemination of information to the public, by any authority other than the Chief of Engineers.

§ 552.4 *Leases and similar instruments—*(a) *Authority of certain commanders and others.* (1) Oversea commanders reporting direct to the Department of the Army are charged with the direction of all work pertaining to real estate matters in occupation zones and in any location where temporary work is accomplished by troops under control of

the oversea commander. The Chief of Engineers will provide technical advice and assist in technical inspections as requested by such oversea commander or as directed by the Department of the Army. Continental commanders having oversea areas under their jurisdiction are considered oversea commanders for those areas.

(2) Except in occupation zones the Chief of Engineers, under the authority of the Secretary of the Army, is responsible for the acquisition of all real property and interests therein.

(b) *Authority of local officers.* (1) The following classes of leases are authorized to be made by local commanders without approval by higher authority, when funds are available and the rental consideration conforms to the prevailing rate in the locality concerned: Leases for hire of camp sites, buildings, and grounds for troops; office and storage space for small detachments; garage space; and space for recruiting stations; provided the premises are to be occupied not longer than 3 months and the rental for the entire period of occupancy is \$500 or less.

(2) Leases in subparagraph (1) of this paragraph may be by informal written agreements, unless the rental for the period exceeds \$100, in which case execution on Standard Form 2 (Lease Between _____ and the United States of America) is preferable.

(i) Informal written agreements may be worded substantially as follows:

(Place)

(Date)

The undersigned hereby agrees to allow the use of premises -----
(Description of premises)

by -----
(Designation of detachment)

at a rental of \$----- per month, or proportionate part thereof, for the time of occupancy.

(Signature of property owner)

(ii) The following certificate should be indorsed on informal agreements:

I certify that I have this day entered into an informal agreement with -----

----- covering rental
(Name of property owner)

of -----, same being
(Description of premises)
required and absolutely necessary for the successful operation of my detachment.

(Name)

(Grade and organization)

----- 19 -----

(iii) Informal agreements will be executed in duplicate; one number to be furnished the property owner; and one number, with a true copy thereof, to be furnished the disbursing officer designated to pay the account. If more than one payment of rent will be involved only the true copy will be furnished the disbursing officer, and the remaining executed number will be forwarded to the division engineer, marked for transmittal to the General Accounting Officer, Army Audit Branch, 4300 Goodfellow Boulevard, St. Louis 20, Missouri.

(c) *Authority of Chief of Engineers.* Except as provided in paragraphs (a) and (b) of this section, all leases and

similar instruments must be approved by the Chief of Engineers or his duly authorized representative.

USE OF WAR DEPARTMENT REAL ESTATE

§ 552.5 *Temporary use; how granted.* There are three methods by which the temporary use of real estate under the control of the Department of the Army may be granted: lease, easement, and license or permit.

§ 552.6 *Rights which may be granted by Secretary of the Army—(a) General.*

(1) The Secretary of the Army is authorized with or without advertising, to provide for the operation and maintenance of certain plants, buildings, facilities, utilities, and appurtenances thereto and, when he deems it necessary in the interest of the National Defense, to lease, sell or otherwise dispose of, any such plants, buildings, facilities, utilities, appurtenances thereto, and land, under such terms and conditions as he may deem advisable, and without regard to the provisions of section 321 of the act of June 30, 1932 (47 Stat. 412), which requires the consideration to be in money only. See secs. 1 and 5, act July 2, 1940 (54 Stat. 712; 41 U. S. C. prec. § 1 note).

(2) The above provisions applied only to the fiscal year ending June 30, 1941. They were first extended to cover the fiscal year ending June 30, 1942, and later to cover the period of the present war and 6 months thereafter, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate. See sec. 9, act June 30, 1941 (55 Stat. 393; sec. 13, act June 5, 1942).

(3) The Secretary of the Army may acquire any real property, temporary use thereof, or other interest therein, together with any personal property located thereon or used therewith, that shall be deemed necessary for military purposes, and may dispose of such property or interest therein, by sale, lease, or otherwise, in accordance with section 1 (b) of the act of July 2, 1940 (54 Stat. 712). See Second War Powers Act, 1942 (56 Stat. 177; 50 U. S. C. App., 632).

(b) *Leases.* The Secretary of the Army is authorized, whenever he shall deem it to be advantageous to the Government, to lease such real or personal property under his control as is not surplus to the needs of the Department of the Army within the meaning of the Surplus Property Act of 1944 (58 Stat. 765), and is not for the time required for public use, to such lessee or lessees and upon such terms and conditions as in his judgment will promote the national defense or will be in the public interest. Each such lease will be for a period not exceeding 5 years unless the Secretary of the Army shall determine that a longer period will promote the national defense or will be in the public interest. Each such lease will contain a provision permitting the Secretary of the Army to revoke the lease at any time unless the Secretary of the Army shall determine that the omission of such provision from the lease will promote the national defense or will be in the public interest. In any event, each such lease will be revocable by the Secretary of the Army during a national emergency

declared by the President. Notwithstanding section 321, act June 30, 1932 (47 Stat. 412; 40 U. S. C. 303b), or any other provision of law, any such lease may provide for the maintenance, protection, repair, or restoration by the lessee, of the property leased or of the entire unit or installation where a substantial part thereof is leased, as a part or all of the consideration for the lease of such property. In the event utilities or services are furnished by the Department of the Army to the lessee in connection with any lease, payments for utilities or services so furnished may be covered into the Treasury to the credit of the appropriation or appropriations from which the costs of furnishing any such utilities or services to the lessee were paid. Except as otherwise hereinabove provided, any money rentals received by the Government directly under any such lease will be deposited and covered into the Treasury as miscellaneous receipts. The authority granted does not apply to oil, mineral, or phosphate lands. The act of July 28, 1892, as amended (27 Stat. 321; 45 Stat. 988; 40 U. S. C. 303), is repealed. The lessee's interest will be made subject to State or local taxation. Any such lease of property will contain a provision that if and to the extent that such property is made taxable by State and local governments by act of Congress, in such event the terms of such lease will be renegotiated. See act August 5, 1947 (Pub. Law 364, 80th Cong.).

(c) *Roads.* The Secretary of the Army may permit the extension of State, county, or territorial roads across military reservations or the changing of the location of any such roads as may already exist. See act July 5, 1884 (23 Stat. 104; 10 U. S. C. 1348).

(d) *Poles and wires.* The Secretary of the Army may grant rights of way, for periods not exceeding 50 years, for pole lines for electric-power transmission, or telephone and telegraph purposes over lands under his jurisdiction. See act March 4, 1911 (36 Stat. 1253; 43 U. S. C. 961).

(e) *Pipe lines.* The Secretary of the Army may grant easements for rights of way for gas, water, and sewer pipe lines, provided such grant is in the public interest and will not substantially injure the interest of the United States in the property affected thereby. See act May 17, 1926 (44 Stat. 562; 10 U. S. C. 1351).

(f) *Licenses.* The Secretary of the Army may, by revocable license terminable at his discretion as the public interest may require, grant to private interests the temporary use of real estate belonging to the United States which is under his control and which is not for the time being required for public use, provided such license conveys no interest therein and such use does not conflict with the purpose for which the property is held. As a matter of policy, the term of such licenses will be limited to 5 years.

(g) *Ferries, bridges, livestock.* The Secretary of the Army may permit the landing of ferries and erection of bridges on, and the driving of livestock across military reservations. See act July 5, 1884 (23 Stat. 104; 10 U. S. C. 1348).

(h) *Archaeological excavations.* The Secretary of the Army may grant permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon Department of the Army lands, to institutions which are deemed properly qualified to conduct such examination, excavation, or gathering, subject to prescribed rules and regulations. Such examinations, excavations, and gatherings must be undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and the gatherings shall be made for permanent preservation in public museums. See act June 8, 1906 (34 Stat. 255; 16 U. S. C. 432).

(i) *Post offices.* The Secretary of the Army shall assign proper and suitable room or rooms for post office purposes at all military posts where post offices have been established. See sec. 1, act August 1, 1914 (38 Stat. 629; 10 U. S. C. 1345).

(j) *American National Red Cross.* The Secretary of the Army may grant revocable licenses permitting the erection and maintenance on military reservations by the American National Red Cross of buildings suitable for the storage of supplies available for the aid of the civilian population in case of serious national disaster, or the occupation for that purpose of buildings erected by the United States. See sec. 127a, act June 3, 1916, as amended by act June 4, 1920 (41 Stat. 785; 10 U. S. C. 1347).

(k) *Young Men's Christian Association.* The Secretary of the Army may grant revocable licenses permitting the erection and maintenance on military reservations by the Young Men's Christian Association of such buildings as their work for the promotion of the social, physical, intellectual, and moral welfare of the garrisons may require. See act May 31, 1902 (32 Stat. 282; 10 U. S. C. 1346).

(l) *Temporary buildings.* The Secretary of the Army may grant, by revocable licenses of lease, permission to erect or construct temporary buildings other than public, on military reservations; in the lease or license the condition for occupancy will be clearly set forth, except with respect to unimportant structures and temporary structures incident to the work of contractors on Government jobs. (§ 552.18 (e).)

§ 552.7 *Rights which may be granted by Secretary of the Interior.* (a) Subject to the approval of the Secretary of the Army, the Secretary of the Interior may grant rights-of-way through military reservations for:

(1) Electrical lines for telephone and telegraph purposes and for the transmission of current, other than that generated by water power, for power purposes.

(2) Canals, ditches, pipes, and pipelines, flumes, tunnels, or other water conduits, for purposes other than the production of water power.

(3) Water plants, dams, and reservoirs used to promote irrigation, mining or quarrying; for the manufacturing or cutting of timber or lumber; or for the supplying of water for domestic, public, or

other beneficial uses. See act February 15, 1901 (31 Stat. 790; 43 U. S. C. 959).

(b) Subject to like approval, rights may also be similarly granted to canal or ditch companies to take material, earth, and stone necessary for the construction of a canal or ditch, for which a right of way has been granted, from public lands adjacent to the line of such canal or ditch. See act March 3, 1891 (26 Stat. 1101), as amended by the acts of March 4, 1917 (39 Stat. 1197), and May 28, 1926 (44 Stat. 668; 43 U. S. C. 946).

§ 552.8 *Rights which may be granted by Secretary of Agriculture.* (a) National forests on certain military reservations were created by executive orders pursuant to the provisions of section 9 of the act approved June 7, 1924 (43 Stat. 655; 16 U. S. C. 471), which provides for administration by the Secretary of Agriculture under such rules and regulations and in accordance with such general plans as may be jointly approved by the Secretary of Agriculture and the Secretary of the Army, for the occupation and protection of such lands and for the sale of products therefrom, subject to the unhampered use by the Department of the Army for purposes of national defense and without affecting or restricting the authority over such lands for such purposes now vested in the Secretary of the Army. See sec. 9, act June 7, 1924 (43 Stat. 655; 16 U. S. C. 471, 505).

(b) The use of portions of reservations may be authorized for rights of way or sources of material for constructing and maintaining Federal-aid projects, if determined reasonably necessary by the Secretary of Agriculture, and if not objected to by the Secretary of the Army. See act November 9, 1921 (42 Stat. 216; 23 U. S. C. 18).

§ 552.9 *Rights which may be granted by Federal Power Commission.* The Federal Power Commission, subject to the approval of the Secretary of the Army, may grant licenses for waterpower projects upon, or partly upon, a military reservation, including dams, reservoirs, conduits, transmission lines, and other project works. See act June 10, 1920 (41 Stat. 1063), sec. 202, Title II, act August 26, 1935 (49 Stat. 840; 16 U. S. C. 797).

§ 552.10 *Rights which may be granted by President of the United States.* The President is authorized, through the head of any executive department, upon terms and conditions considered advisable by him or such head of department, to lease real property acquired by the United States since April 6, 1917, for storage purposes for the use of the Army which in the judgment of the President or the head of such department is no longer needed for use by the United States, and to execute and deliver in the name of the United States and in its behalf, any and all contracts or other instruments necessary to effectuate any such lease. See act July 11, 1919 (41 Stat. 129; 10 U. S. C. 1263).

§ 552.10a *Rights which may be granted by division engineers.* (a) Authority has been delegated by the Secretary of the Army to division engineers to

grant licenses for bus and taxicab service on military reservations upon the recommendation of commanding officers. In the case of an installation under the command of the commanding general of a major command, except Air Force major subordinate commands, the approval of such commanding general must be obtained by the division engineer. In the case of an installation utilized by and under the direct command of the U. S. Air Force, the written approval of the commanding general of the specific Air Force command having jurisdiction over the installation will be obtained by the division engineer. The following policies are published for guidance in granting such licenses:

(1) One or more revocable licenses for such operation may be granted by the division engineer, based upon the free competitive proposals of all reputable available companies or individuals.

(2) Transportation license (Military Reservation) (CR Form 121, WD, OC of E) will be used in the preparation of such licenses. These forms will be supplied by the Office of the Chief of Engineers upon request.

(b) None but duly licensed agencies will be permitted to operate in or upon military reservations.

(c) No distinction will be drawn between taxicab and bus transportation.

(d) No taxicab or bus company will be operated as a concessionaire of an Army exchange.

(e) Unless strictly confined to military personnel or civilians employed or resident at a Department of the Army installation as passenger, an exchange is not authorized to operate a taxicab transportation facility nor to compete in any manner with civilian enterprise in such activity. See § 554.5 (a) (24) of this chapter, as to the authorized activities of an Army exchange in connection with taxicab operation.

(f) The operation of a bus transportation facility by an Army exchange will be in accordance with current Department of the Army instructions governing the furnishing of local transportation.

(g) The revocable license will contain no reference to the Army exchange and will not obligate the exchange to any duties or liabilities. The Army exchange has no connection therewith, and the licensee may not obligate itself to the exchange in any manner under the license.

§ 552.11 *Limitations on rights which may be granted—(a) Consideration.*

(1) Notwithstanding section 321, act June 30, 1932 (47 Stat. 412; 40 U. S. C. 303b), or any other provision of law, leases of Department of the Army property may provide for the maintenance, protection, repair, or restoration by the lessee, of the property leased or of the entire unit or installation where a substantial part thereof is leased, as a part or all of the consideration for the lease of such property.

(2) The consideration for any use of Department of the Army property must be adequate. This consideration may consist of either money or some direct or

indirect adequate benefit to the United States.

(b) *Competitive conditions.* It is the policy of the Department of the Army to recommend the granting of leases to the highest responsible bidder, after advertising for bids, unless competition is impracticable.

(c) *Private use.* It is the policy of the Department of the Army not to permit the use of public quarters by organization or societies other than those of a purely military character, nor to permit private uses of military reservations or parts thereof to the exclusion of the general public, nor to grant licenses or other instruments for the establishment at military posts of activities, the revocation of which may prove embarrassing to the Department of the Army.

§ 552.12 *Rights which cannot be granted without specific statutory authority.* Except when specifically authorized by Congress, the Secretary of the Army is without authority to grant an interest in real estate of the United States for any of the following purposes:

(a) Mining.

(b) Quarrying of rock, sand, or gravel, or sale, thereof.

(c) Cutting of timber, or sale thereof. See R. S. 1241 (10 U. S. C. 1261), under which timber that has reached maturity, so that it begins to deteriorate, may be regarded as damaged and unsuitable, and may be sold in the manner prescribed therein.

(d) Permanent rights-of-way for railroad purposes.

(e) Sinking of oil wells, or sale of oil or other minerals.

(f) Use of surplus water from post water systems. See AR 100-80.¹

(g) Use of electricity from a Government-owned supply. See AR 100-80.¹

(h) Construction by private interests of permanent structures on military reservations. See § 552.18 (e); 21 Op. Atty. Gen. 537; and 10 Comp. Gen. 395. But temporary permission in exceptional cases may be granted for structures on military reservations pending the enactment of statutory authority therefor. See 35 Op. Atty. Gen. 485.

§ 552.13 *Forms to be used—(a) Applications for leases, easements, licenses, and permits.* Applications ordinarily will consist of a simple written request, and no particular form is required.

(b) *Form of instruments.* Instruments will be prepared on forms prescribed by the Chief of Engineers.

§ 552.14 *Payments.* Payments made by private interests for privileges granted by leases, licenses, easements, or permits will be collected by the Chief of Engineers or his duly authorized representative. The initial payment, which will be made at the time the instrument is signed by the grantee, and all deferred payments will be collected by the authorized representative of the Chief of Engineers and will be promptly turned over to the nearest Army disbursing officer with appropriate instructions as to the disposition of such funds, i. e., for

¹ Administrative regulations of the Department of the Army relating to repairs and utilities.

credit to "miscellaneous receipts" or to be held as special deposits. Collections will be scheduled on Standard Form No. 1044, Revised (Schedule of Collections), prior to forwarding to the disbursing officer. The Chief of Engineers or his authorized representative will advise at the proper time of the final disposition to be made of funds held as special deposits by preparation and submission of Standard Form No. 1046 Revised (Schedule of Transfers-Special Deposits) or Standard Form No. 1049 (Public Voucher for Refunds) whichever is applicable. All payments made by the grantee will be made payable to the Treasurer of the United States.

§ 552.15 *Refund of rental paid.* On the termination of a grant by the lessee between rent days, refund of rental paid in advance is not authorized unless provided for in the instrument. (See 8 Comp. Gen. 643.) But a refund of rental may be made under a supplemental lease which is in the interest of the United States. (MS. Comp. Gen. A 40803 February 20, 1932.) Where the revocation or termination of a grant is in contemplation, collections of rental will be made only to the effective date of such revocation or termination, and temporarily placed in the special deposit account.

§ 552.16 *Revocation of grants—(a) When permissible; by whom revoked.* All grants or rights for the temporary use of real estate by private interests are subject to revocation at will by the Secretary of the Army, except as follows:

(1) Rights-of-way granted by the Secretary of the Interior (§ 552.7 (a)) are revocable by him at his discretion.

(2) Rights-of-way granted for the purpose specified in § 552.6 (e) are not revocable, but may be terminated for nonuse or abandonment.

(3) Unless specific provision for revocation is made therein, permits of the character specified in § 552.6 (d) and § 552.6 (h) constitute easements upon and across said reservations and are not revocable.

(4) Leases of property, acquired for storage purposes since April 6, 1917, granted after determination that such property is no longer required for public use, are not revocable unless the lease so provides.

(b) *When and by whom recommended.* Any officer becoming aware of any facts or receiving any information indicating that the interest of the United States requires the revocation of an existing grant, lease, license, permit, or privilege will immediately report the facts, or transmit the information, together with his remarks and recommendations to the Chief of Engineers, through the Division engineer.

(c) *Instruments of revocation; by whom prepared; how disposed of.* If revocation is determined upon, the Chief of Engineers will prepare the necessary instruments of revocation and transmit them to the commanding officer concerned, together with instructions for the necessary action.

§ 552.16a *Real estate; claims for rent, damage, and other payments—(a) Scope.* The regulations in this section

provide a method of investigation, processing, and settlement of claims against the United States for rent, damages, and other payments arising under the terms and conditions, whether express or implied, of leases or other contracts for the use or occupancy of real estate by the Army, or arising from the use or occupancy of real estate by the Army with the express or implied consent of the owner thereof in the absence of any formal lease or other contract therefor. Utilization of the provisions of these regulations in cases where provisions of regulations referred to in paragraph (b) of this section are also applicable is optional in any case. Utilization of the provisions of these regulations outside the United States, its territories and possessions, is optional with the commander concerned.

(b) *Regulations applicable to particular cases—(1) Claims for damage to or loss or destruction of property incident to noncombat activities of the Army.* The act of July 3, 1943 (57 Stat. 372; 31 U. S. C., Sup., 223b, 223c) provides for the payment of claims, arising on or after May 27, 1941, for damage to or loss or destruction of real property caused by military personnel or civilian employees of the Army while acting within the scope of their employment, or otherwise incident to noncombat activities of the Army, including claims for damage to real property (but not for rent or other payments) incident to the use and occupancy thereof under a lease, express or implied, or otherwise, and including claims of the foregoing categories arising out of civil works, provided they do not exceed \$500 or, if approved in time of war, provided they do not exceed \$1,000. See §§ 536.12 to 536.23.

(2) *Claims under Article of War 105.* Article of War 105 (Sec. 1, Ch. II, act of June 4, 1920; 41 Stat. 808; 10 U.S.C. 1577) provides for the payment, by the offender through stoppage of pay, of certain claims for damage to or loss or destruction of property by persons subject to military law provided such damage, loss, or destruction is caused by riotous, violent, or disorderly conduct, or acts of deprecation, willful misconduct, or such reckless disregard of property rights as to carry an implication of guilty intent. See § 536.25 of this chapter.

(3) *Claims for damage to or loss or destruction of property caused by Army forces in foreign countries.* The act of January 2, 1942 (55 Stat. 880; 31 U.S.C., Sup., 224d), as amended by the act of April 22, 1943 (57 Stat. 66), provides for the payment of claims for damage to or loss or destruction of real property (but not for rent or other payments) caused by Army forces, or individual members (whether military personnel or civilian employees) thereof, or otherwise incident to non-combat activities of such forces, in a foreign country to public property located therein or to the privately owned property of inhabitants of such country. See § 536.26 of this chapter.

(c) *Procedure—§§ 536.1 to 536.5 of this chapter applicable.* So far as applicable, the procedure set forth in §§ 536.1 to 536.5 of this chapter will be followed as to claims within the provisions of this section.

PHOTOGRAPHS; HARBOR DEFENSE

§ 552.17 *Photographs of works of defense.* No photographs of permanent works of defense or materiel will be taken except as authorized by the harbor defense commander, or other commanding officer responsible for the works, for official use. The giving of information or the publication of pictorials or printed descriptions of such works, not contained in public printed reports and documents, is prohibited when, in the opinion of the harbor defense commander, or other commanding officer responsible for the works, such views or description would disclose the location of any elements of the defense or furnish information about features of the works which should be considered secret or confidential. (Sec. 1, 40 Stat. 217; 50 U. S. C. 31)

POST COMMANDER

§ 552.18 *General duties—(a) Assignment of quarters, civilians.* The post commander may grant permission to civilian employees and other civilians whose presence on the post is desirable because of the nature of their duties, to occupy such quarters as are available, and will be responsible that payment for or deduction from salary of the value of such quarters is affected as prescribed in Civilian Personnel Regulations. Bona fide servants occupying rooms built in existing quarters for such purpose will not be required to pay rental.

(b) *Employment of civilian mess attendants—(1) Units stationed outside the zone of interior.* The employment and payment from voluntary contributions of civilians as mess attendants is authorized in Army messes of units stationed outside the zone of interior under the following conditions:

(i) When the oversea commander determines that local conditions are favorable and such employment is in the best interest of the service.

(ii) Payment for such employment will be from moneys contributed, strictly on a voluntary basis, from military personnel using the mess.

(iii) The contributions collected will be taken into and disbursed from unit funds in order to insure adequate control.

(iv) Such attendants will be used only as KP's, dining room orderlies, dishwashers, and other personnel who do not perform duties of cooks, cook's helpers, bakers, and butchers.

(2) *Units stationed within zone of interior.* (i) The employment and payment from voluntary contributions of civilians as mess attendants is not authorized in Army messes of units stationed within the zone of interior.

(ii) Civilians may not be employed as mess attendants in enlisted men's messes (field ration and garrison) nor in officers' field ration messes in the zone of interior except under the following conditions:

(a) In Class I installations the approval of the army commander in each instance must be obtained.

(b) In Class II installations the approval of the chief of the appropriate administrative or technical service must be obtained.

(c) Civilians will be paid from appropriated funds only.

(d) Sufficient appropriated funds for this purpose must be available to the commander concerned.

(e) The hiring of civilians for this purpose will not exceed the civilian ceiling allotted to the installation.

(f) Civilian mess attendants are to be used only as kitchen police, dining room orderlies, or dishwashers. At no time are they to be used as cooks, food service apprentices, bakers, butchers, or food service technicians. This is not to be construed as limiting the authority of hospitals as presently outlined in Army Regulations and directives of The Surgeon General to hire civilians as cooks, food service apprentices, bakers, butchers, or food service technicians.

(c) *Welfare*—(1) *Young Men's Christian Association*. At posts where Young Men's Christian Association buildings have been constructed pursuant to the act of 31 May, 1902 (32 Stat. 282; 10 U. S. C. 1346), the Young Men's Christian Association will be permitted to continue to conduct thereat helpful physical, intellectual, and nonsectarian religious activities. The post commander will assist and facilitate these activities in such ways as he may deem appropriate and desirable.

(2) *American National Red Cross*. The activities of the American National Red Cross at posts will be as prescribed or implied in AR 850-75, and the post commander will assist and facilitate such activities in every appropriate manner.

(d) *Competition with civilian enterprises*. The post commander is charged with the responsibility that no military member of his command will be detailed, ordered, or permitted to leave his post to engage in any pursuit, business or performance in civil life, for emoluments, hire, or otherwise, when it will interfere with the customary employment and regular engagement of local civilians in the respective arts, trades or professions. He will prohibit the use of military personnel or civilian employees of the Army during normal working hours, in conducting co-operatives (other than Army exchanges and Army and Air Force Motion Picture Service) which operate in competition with civilian enterprises.

(e) *Construction*—(1) *New construction*. New construction will be performed only in accordance with and within limitations of Department of the Army and implementing directives. See AR 100-70, AR 100-80, and TM 5-600 (administrative regulations relative to the Corps of Engineers.)

(2) *Construction of buildings other than public*. No buildings other than public will be erected or constructed on military reservations unless authority is granted by the Secretary of the Army under a revocable license in which the conditions for occupancy will be clearly set forth. Exceptions may be made with respect to unimportant or temporary structures such as are necessary and incident to the work of contractors on Government work, provided that such temporary buildings will be removed at the expiration of the permit. Construction outside the continental United States will conform to such instructions as may be issued by the Department of the Army from time to time. (R. S. 161; 5 U. S. C. 22)

§ 552.19 *Hunting and fishing permits*. All permits to hunt, catch, trap, or kill any kind of game animal, game or non-game bird, or to fish on a military reservation or the waters thereof will be issued by the commanding officer.

INSPECTION OF STEAM BOILERS

§ 552.21 *Inspection of steam boilers*—(a) *Boilers requiring inspection*. All steam boilers located at military installations will be inspected at least once a year, except (1) those which are operated at 15 pounds per square inch steam pressure or less, (2) those which are not in service, and (3) equipment tested at class I railroad shops and at Army railroad repair shops.

(b) *By whom inspected*. All Government-owned boilers located at military installation operated by private contractors and all privately-owned boilers located at military reservations will be inspected by recognized insurance companies or other agencies qualified for such work.

(c) *Responsibility for arranging inspections*. The commanding officer or officer in charge of the military installation at which boilers designated in paragraph (b) of this section are located will be responsible for requiring the owner or operator of such boilers to have inspections made at the proper time. The owner or operator will arrange with a recognized insurance company or with a boiler inspection agency specializing in such work, for necessary inspections, and will make such repairs as are recommended.

(d) *Reports of inspection*. The commanding officer or officer in charge of the military installation will obtain for his files from the owner or operator a copy of the report rendered by the inspecting agency and will require that steps be taken to correct all deficiencies. (R. S. 161; 5 U. S. C. 22)

PART 553—NATIONAL CEMETERIES

Sec.

- 553.1 Authority for establishment.
- 553.2 Control and supervision.
- 553.3 Records, custody.
- 553.4 Burials in national cemeteries.

AUTHORITY: §§ 553.1 to 553.4 issued under R. S. 161, 4870, 4878, 41 Stat. 552, 49 U. S. C. 339; 5 U. S. C. 22, 24 U. S. C. 271, 281.

DERIVATION: AR 30-1840, Oct. 9, 1947.

§ 553.1 *Authority for establishment*. National cemeteries are established under orders of the Secretary of the Army when empowered by act of Congress.

§ 553.2 *Control and supervision*. The direct control and supervision of national cemeteries are exercised by the army commander in whose area they are located, except those cemeteries which are specifically exempted. General supervision over all national cemeteries is a function of The Quartermaster General.

§ 553.3 *Records, custody*. The Quartermaster General is charged with the preservation of all records of national cemeteries. Historical records will be prepared and maintained for all national cemeteries, utilizing the same Quartermaster Corps forms as for historical records of posts and stations.

§ 553.4 *Burials in national cemeteries*—(a) *Eligibility*. Under the provisions of R. S. 4878, as amended by act April 15, 1920 (41 Stat. 552; 24 U. S. C. 281) and act June 13, 1935 (49 Stat. 339; 24 U. S. C. 281), the following persons are entitled to burial in a national cemetery:

(1) Those who served in the Federal forces of the United States either during peace or war and whose last discharge therefrom was honorable, including service in the:

- (i) Army.
- (ii) Navy.
- (iii) Marine Corps.
- (iv) Coast Guard.

(v) Coast and Geodetic Survey, who were transferred to and served with the Army or Navy by authority of the President.

(vi) Public Health Service, who were detailed for duty with and served with the Army or Navy by authority of the President.

(vii) Trainees under the act approved September 16, 1940.

(2) Any citizen of the United States who served in the army or navy of any government at war with Germany or Austria during the World War and who died while in such service or after honorable discharge therefrom, and who was a citizen of the United States at the time of such service.

(3) Persons dying in the District of Columbia or in the immediate vicinity thereof who served in the Confederate armies during the Civil War may be buried in the Confederate Section of Arlington National Cemetery as provided in paragraph (b) of this section.

(4) Any member of the Cabinet of the President of the United States at any time during the period between April 6, 1917, and November 11, 1918.

(b) *Evidence of right*. For those who were not in the service of the United States at the time of death, it is a prerequisite that they shall have been honorably discharged from the service. In all cases the last service of a decedent must have been honorable. The production of the honorable discharge covering the last service of a decedent will be sufficient authority for the superintendent of a national cemetery to permit interment. In cases where the honorable discharge cannot be produced or where there is a reasonable doubt as to eligibility for interment in a national cemetery, the superintendent will telegraph The Quartermaster General for verification of service and authorization for interment, furnishing all the information it is possible to obtain concerning the service of the decedent including the full name, organization, serial number, if any, and dates of service. In the case of citizens of the United States who served in the army or navy of any government at war with Germany or Austria, the superintendent will request evidence of citizenship at time of service, correct name of decedent, grade, and military organization in the army in which he served and will communicate with The Quartermaster General by telegraph for the necessary permit for burial. Pension certificates will not be accepted as authority upon which to authorize interment.

In the case of Confederate veterans, the certificate of Camp No. 171, United Confederate Veterans of the District of Columbia, that such persons are entitled to burial in Arlington National Cemetery, is required.

In the case of members of the President's Cabinet as indicated in paragraph (a) of this section, authority for interment will be requested of The Quartermaster General.

(c) *Interment of members of families.*

(1) The wives of both officers and enlisted men may be buried with their husbands in a national cemetery. The wife may be interred prior to the death and burial of her husband provided the officer or enlisted man gives assurance that regardless of whether or not he remarries he will eventually be buried in the adjacent grave site reserved for the purpose. In those cemeteries where lots are assigned to an individual, the burial of his minor children and unmarried adult daughters (this includes daughters who have never married, widows, and divorcees) is permitted under the following conditions, provided there is room in the lot:

(i) That the fact of the interment shall be entered on the records of the cemetery, but the name shall not appear on any monument on the lot.

(ii) That the grave shall be marked, if so desired, at private expense, only with a footstone sunk flush with the ground, not exceeding 10 by 20 inches at the top, with a suitable identifying inscription and dates of birth and death.

(iii) That the written concurrence in the above conditions by the legal next of kin be forwarded to The Quartermaster General.

(2) No lots or grave sites will be assigned in advance of their actual requirement for burial purposes.

PART 554—ARMY EXCHANGES

Sec.	
554.1	Purposes.
554.2	Establishment.
554.3	Legal status.
554.4	Exchange buildings and utilities.
554.5	Activities.
554.6	Army and Air Force Exchange Service.
554.7	Purchases.
554.8	Sales.
554.9	Personnel.
554.10	Enlisted employees.
554.12	Contracts.

AUTHORITY: §§ 554.1 to 554.12 issued under R. S. 161; 5 U. S. C. 22.

DERIVATION: AR 210-65, June 12, 1945.

§ 554.1 *Purposes.* Exchanges are established for the following purposes:

(a) To supply the persons to whom sales are authorized (§ 554.8) at reasonable prices with articles of necessity and convenience not supplied by the Government except as provided in § 554.5 (b) (5).

(b) To operate or manage all revenue-producing activities at a post other than:

(1) The quartermaster sales commissary or the quartermaster sales store.

(2) Department of the Army theaters.

(3) Minor or incidental revenue-producing activities conducted by welfare and sundry funds. This restriction does not preclude specific Department of the

Army directive to the exchange to operate or manage any other food, drink, merchandise, or service facility.

(4) Revenue from communications services.

(5) Book departments at service schools.

(6) Post restaurants. (See Army Regulations.)

(7) "Yank" magazine and similar publications.

(8) Such other activities as the Department of the Army may direct.

(c) To provide or make available management or procurement service for all food or feeding facilities other than organized military messes or those supplied by the quartermaster.

(d) To make available from profits, subject to such limitations as are hereinafter prescribed, funds which may be used to afford to military personnel additional facilities for comfort, recreation, and amusement, and to contribute to activities which will foster and increase the physical and spiritual welfare of military personnel.

§ 554.2 *Establishment.* The establishment or operation as an independent civilian enterprise of any of the activities which an exchange is authorized to operate under the provisions of § 554.5 is prohibited, *Provided, however,* That nothing in this section shall be deemed to prohibit the operation of vending stands by blind persons in accordance with, and subject to the limitation of, the act of 20 June 1936 (49 Stat. 1559; 20 U. S. C. 107 et seq.). (R. S. 161; 5 U. S. C. 22)

§ 554.3 *Legal status.* The legal status, rights, and liabilities of Army exchanges, exchange funds, property and personnel, commanding officers, and exchange officers, and the rights as to litigation are determined by statute, the decisions of the Courts, the opinions of the Attorney General, and The Judge Advocate General of the Army. Subject to the foregoing and to the regulations in this part, the Chief of Army and Air Force Exchange Service is authorized to establish by interpretation the policy of the Department of the Army upon the subjects noted.

§ 554.4 *Exchange buildings and utilities.* Authority of the Secretary of the Army is required to permit the erection of temporary buildings on military reservations by private individuals or commercial concerns. This authority is not required for construction by exchanges, or when construction contracts between private individuals or commercial concerns and the exchange specify that immediately upon completion of the buildings, title thereto passes to the exchange.

§ 554.5 *Activities* — (a) *Authorized activities.* An exchange may consist of or include, when approved by the commanding officer, the following activities and facilities, and no other revenue-producing agency will engage in such activities or operate such facilities if there is an exchange at the installation:

(1) Main store.

(2) Branches.

(3) Warehouses.

(4) Soda fountain, including service clubs.

(5) Beer bar.

(6) Meat market.

(7) Vegetable and grocery market.

(8) Gasoline filling station.

(9) Automobile garage and service station.

(10) Restaurant or cafeteria, including cafeterias in service clubs.

(11) Barber shop.

(12) Beauty shop.

(13) Laundry.

(14) Watch repair shop.

(15) Radio repair shop.

(16) Tailor shop, including dry cleaning and pressing.

(17) Shoe repair shop.

(18) Photographic studio.

(19) Vending and amusement machines.

(20) Guest houses at posts, camps, stations, and installations, including general hospitals, subject to the following provisions:

(i) The guest house at a post other than a general hospital is designed to furnish overnight transient accommodations for immediate families, relatives, and friends of enlisted personnel. First priority to such accommodations will be allowed to the families, relatives, and friends visiting military personnel sick in the hospital.

(ii) The guest house at a general hospital is designed to furnish overnight transient accommodations to—

(a) The immediate families, relatives, and friends of military personnel sick in the hospital. Families, relatives, and friends of officers may stay at the guest house. Where demand for accommodations exceeds available rooms, preference will be given to the families, relatives, and friends of enlisted personnel.

(b) Military personnel or other dependents awaiting admission to the hospital or during periods of outpatient treatment.

(iii) Where space in excess of that required to fulfill the primary mission of the guest house as outlined in subdivisions (ii) (a) and (b) of this subparagraph is available, the post commander may:

(a) Authorize occupancy in the guest house by such other military and civilian personnel as he deems appropriate. In the case of military personnel, rental allowances must be adjusted accordingly as is the case in the occupation of all quarters furnished by the Government.

(b) Establish appropriate limits on the length of stay for all personnel in the guest house.

(iv) The guest house will initially be equipped with such equipment and supplies as are provided by T/A 20 (Equipment for Posts, Camps, and Stations).

(v) Maximum and minimum charges for the use of beds in guest houses will be determined by the Chief, Army and Air Force Exchange Service.

(vi) An identification register will be maintained in the guest house.

(21) Procurement of food supplies for resale to other agencies on an installation.

(22) Management, procurement or other services for other nonappropriated fund activities, as authorized by applicable directives.

(23) Recreation rooms, including billiard and pool tables, bowling alleys, and

equipment for other indoor games when not provided by other services.

(24) Taxicab and bus operation, subject to the following limitations:

(i) Unless strictly confined to military personnel and/or civilians employed or resident at a Department of the Army installation as passengers, an exchange is not authorized to operate a taxicab or bus transportation facility nor to compete in any manner with civilian enterprise in such activity.

(ii) The exchange may enter into a separate contract with any taxicab or bus company operating on the post, camp, station, or installation under a revocable license from the post commander, under which contract the exchange agrees to act as agent for such company for the sale of tickets entitling the holder to transportation.

(iii) The contract under subdivision (ii) of this subparagraph requires the approval of the commanding general of the army area.

(iv) For its service as such ticket agent the exchange may receive a legal commission. This will not exceed 10 percent of the sales price of such tickets, and no part of such commission will be rebated or allowed in any manner as a credit to the purchaser of such ticket.

(b) *Limitations on activities.* (1) Activities other than those enumerated in this section will not be added to the business of an exchange without obtaining approval of the Chief of Army and Air Force Exchange Service.

(2) Except at stations located outside the continental limits of the United States and subject to the provisions of § 554.6 (c), articles for sale will be limited to those articles of necessity and convenience as the commanding officer of the post, camp, station, or installation or the commanding general of the army area may determine desirable in view of local conditions.

(3) In all cases where the exchange acts as a collection agency for either a civilian activity or a concessionaire, its liability will be limited to that of an agent and it will not be bound to perform any part of the customer's contract either by the payment of money or otherwise.

(4) Exchanges may sell supplies obtained from quartermaster stores at cost price plus overhead cost fixed by the Secretary of the Army.

(5) The sale to enlisted personnel of regulation trousers, shirts, caps, belts, ties, shoes, socks, dresses, skirts, underwear, insignia, including cloth insignia such as chevrons, shoulder, sleeve, and other patch type of insignia, is authorized.

(6) The operation of any gambling device, such as punch boards, slot machines, etc., by or in any exchange or exchange activity is prohibited.

(7) The sale of or dealing in beer, wine, or any other intoxicating liquors by any person in any exchange or upon any premises used for military purposes by the United States is prohibited. Beer with an alcoholic content of not more than 3.2 percent in weight is considered nonintoxicating. (See § 554.12 (g).)

(c) *Concessions.* (1) So far as is practicable all of the authorized activi-

ties of the exchange will be conducted by the exchange.

(2) Subject to the provisions of subparagraphs (3) and (4) of this paragraph, and when unusual conditions warrant, concessions may be granted by the exchange officer with the consent of the commanding officer only for the conduct of activities indicated in paragraph (a) (6) to (18), inclusive, of this section.

(3) Concessions will not be granted private individuals, firms, or corporations to operate any of the activities of the type listed in subparagraph (2) of this paragraph without the approval of the commanding general of the army area, and if the furniture, fixtures, and equipment necessary to operate any such activity are owned by the exchange, in the absence of extenuating circumstances, such approval will not be given.

(4) A concession contract will be approved only when it embodies the express provision that the concessionaire assumes complete liability for all local taxes applicable to the property, income, and transactions of the concessionaire.

§ 554.6 *Army and Air Force Exchange Service.* (a) The Army and Air Force Exchange Service has jurisdiction over and provides staff supervision of the operation of all Army exchanges, and consists of such officers, enlisted men, and civilian personnel as are necessary.

(b) This service will have jurisdiction over, and will be extended to, all exchanges of the Army through appropriate personnel on the staffs of commanding generals of service commands and commanding officers of posts, camps, station, and installations, at whose directions exchanges have been established.

(c) With reference to all Army exchanges, the Army and Air Force Exchange Service is charged with:

(1) Developing policies, plans, and procedures for and supervising the installation and operation of:

(i) A uniform and coordinated system of operating procedures, merchandising methods, including the determination of permitted types of merchandise, pricing policies, and procedures for the safeguarding of exchange funds and property.

(ii) Personnel policies and procedures, to include insurance plans, in-service training programs, and the training of exchange officers.

(iii) Accounting and auditing methods and procedures.

(iv) Minimum and maximum percentages of gross profits, operating expenses, and net profits.

(v) The determination of financial policy, including the regulation of dividends and similar matters pertaining thereto, subject to Department of the Army direction.

(vi) Establishment of fees to be paid by exchanges to the Army exchange fund.

(vii) Determination of type of equipment and fixtures to be used by exchanges.

(viii) The determination of policy in connection with the procurement of food and supplies, and the management and operation of food installations as principal or as agent for the respective princi-

pals in accordance with Department of the Army directives.

(2) Performing the following functions:

(i) Providing and prescribing the use of purchasing and fiscal services.

(ii) Obtaining price agreements from manufacturers and distributors on items purchased by exchanges, and prescribing the use of such price agreements.

(iii) Establishing and controlling the administration of the Army exchange fund, including the authority to:

(a) Open bank accounts.

(b) Make grants or lend monies from such fund to authorized activities subject to Department of the Army direction.

(c) Establish such reserves as may be necessary from time to time to assure the liquidation of obligations not only of the Army exchange fund, but also of obligations of Army exchanges.

(d) Receive, investigate, and pay from Army exchange fund claims of creditors of exchanges lost through enemy action, preserving records of such payments for presentation as claims before a claims commission, indemnity commission, or similar body which may hereafter be constituted. Any such amounts received from such commission or similar body shall be used to reimburse Army exchange fund.

(iv) Negotiating for and providing funds to be loaned to exchanges under such regulations as the Chief of Army and Air Force Exchange Service may prescribe.

(3) Transmitting to exchange officers and personnel in an appropriate manner necessary information as to all activities within the scope of the foregoing duties and functions.

(4) Exercising an advisory and policy-making function for the Department of the Army in all other matters within the scope of the foregoing duties and functions.

(5) Contracts with concessionaires will provide:

(i) For the payment of commissions to the exchange at the rate of 10 per centum of gross concession sales, except that the army commander or, in the case of class III installations, the officer-in-charge of the appropriate Army and Air Force Exchange Service regional office may authorize the execution of a concession contract providing for payment of commissions at a higher rate, or at a lower rate where it is determined by the exchange officer, with the approval of the commanding officer, that a concession contract requiring the payment of the 10 per centum commission is not feasible in the case of an activity which cannot practicably be conducted by the exchange itself.

(ii) That post authorities will retain supervision over the activities and control of prices to be charged.

(iii) That the concessionaire will carry adequate insurance in accordance with policies established by the Chief of the Army and Air Force Exchange Service.

(6) Contracts with concessionaires will neither state nor imply that any rental is to be charged for occupancy of space in buildings or for the use of utilities or facilities on a military reservation except as provided in Army Regulations.

(7) When concessionaires occupy real estate not under control of the exchange, a license or lease is required (see Army Regulations).

(8) A concessionaire is in no sense an agent of the exchange and will not be permitted to represent himself as such to the public by the use of the words "Exchange" on letter or bill heads, signs or in any manner.

(9) The limitations imposed upon sales by exchanges apply equally to exchange concessionaires.

(10) A standard form concession contract as approved by the Chief, Army and Air Force Exchange Service will be executed between the exchange and the concessionaire in each instance.

(d) *Vending and amusement machines.* (1) Vending and amusement machines at Department of the Army installations will be procured and operated only by the exchange except in the case of officers' clubs, aviation cadet clubs, noncommissioned officers' clubs or other voluntary associations of military or civilian personnel.

(2) Vending and amusement machines may be installed by:

(i) Outright purchase for cash, or installment contract.

(ii) Rental purchase.

(iii) Loan.

(iv) Rental.

§ 554.7 *Purchases*—(a) *For exchange.* (1) Except as authorized in subdivisions (i) and (ii) of this subparagraph all purchases of merchandise or other property will be made by the exchange officer who will notify all vendors on the purchase order, or by other appropriate means, that the contract is made with the exchange and not with the United States Government.

(i) The exchange officer may delegate to a commissioned assistant or an appropriate civilian employee of the exchange the authority to make routine purchases during a period of his absence.

(ii) In large exchanges maintaining a purchasing department and stock control system, routine replacement of lines of merchandise handled in the exchange may be made by the head of the purchasing department from a list of dealers authorized by the exchange officer.

(2) The exchange officer will, in all cases, be responsible for the purchase made by any subordinate as authorized in subparagraph (1) (i) and (ii) of this paragraph.

(3) Purchases made verbally by the exchange officer, or as provided in subparagraph (1) (i) and (ii) of this paragraph, will be confirmed by written purchase order immediately thereafter.

(4) Inventories will be held to a reasonable minimum.

(5) Purchases at prices in excess of those published in Army and Air Force Exchange Service price agreements (§ 554.6 (c)) are not authorized except to supply immediate needs of exchanges or in emergencies due to lost or delayed shipments or other like circumstances, or when procurement, delivery, or service considerations render it to the interest of the exchange to purchase from local distributors.

(6) (i) All purchases within the continental limits of the United States by

exchanges located outside the continental limits of the United States will be made through Army and Air Force Exchange Service.

(ii) Commercial and financial transactions of any type within the United States by exchanges located outside the continental limits of the United States will be conducted only through Army and Air Force Exchange Service in accordance with provisions prescribed by the Chief of Army and Air Force Exchange Service.

(b) *For concessionaires.* The purchase by the exchange of material needed by concessionaires in the operation of their concessions is permitted only after all taxes involved, if any, have been advanced by the concessionaire and when such material is not to be resold.

(c) No merchandise will be held on consignment or to be paid for by exchanges when sold. The provisions of this paragraph will not be construed as prohibiting the established business practice of making an agreement, at the time of purchase, for the return to the vendor for credit of unsold seasonable merchandise at a specific time.

§ 554.8 *Sales*—(a) *To whom made.* Exchanges are authorized to sell to the following-named persons, organizations and funds only:

(1) Personnel and organizations now or hereafter authorized by law and regulation to purchase subsistence stores or other quartermaster supplies as defined in paragraphs 2 and 6, AR 30-2290,¹ may purchase at exchanges. Dependent members of the families of persons so authorized may act as agents for such persons upon proper identification.

(2) Civilians as follows:

(i) Civilians who are resident at Department of the Army installations may purchase at the exchange.

(ii) Civilians who are employed at a Department of the Army installation but not resident thereon may purchase, for their own consumption on the post, items of food, drink, and tobacco products but no other merchandise of any kind.

(iii) The family, friends, and visitors of military personnel may purchase at service-club cafeterias operated by exchanges for their own consumption while on the post items of food, drink, and tobacco products.

(iv) Civilian exchange employees subject to limitations imposed by the Chief, Army and Air Force Exchange Service.

(3) Sales to the Government by exchanges are authorized only in cases where the same class of service cannot be conveniently or reasonably obtained elsewhere and where a direct advantage will accrue to the Government from the method resorted to. In no case will an exchange or concessionaire bidding as such be permitted to enter into public competition or to submit bids in response to advertisements calling for proposals for furnishing supplies or services. When accounts are submitted for sales of the kind described, the vouchers will contain a full statement of the grounds

¹ Administrative regulations of the War Department relative to sale of supplies and services.

upon which the sale of supplies or services was based and will fully set forth all the circumstances of the transaction with a view to enabling the proper agencies of the United States Government to determine whether such purchase was in the public interest.

(b) *Resale.* (1) The resale by military or civilian personnel of merchandise purchased in an Army exchange is prohibited.

(2) The privilege of purchasing at Army exchanges may be denied completely by post commanders to any civilian who resells merchandise purchased at any Army exchange. The receipt of money or any other article of value in exchange for such merchandise will be deemed to be a resale.

(3) Nothing herein contained will be construed to prohibit military personnel from receiving actual reimbursement without profit for merchandise purchased at an exchange as a matter of economy, convenience, or necessity as agent for other members of the military forces.

§ 554.9 *Personnel*—(a) *General.* (1) So far as practicable, exchanges will be operated by civilian employees, with Army officers in executive control.

(2) Great care will be exercised in the selection of personnel in order that an efficient and permanent body of civilian employees may be developed.

(b) The staff of an exchange will consist of an exchange officer, such assistant exchange officers, and civilian employees, together with such enlisted personnel as are authorized in § 554.10.

§ 554.10 *Enlisted employees.* (a) The commanding officer of the post, camp, station, or installation may, subject to pertinent Department of the Army directives authorize the use of enlisted personnel in exchanges.

(b) Employment of enlisted personnel on a voluntary basis, during off duty hours in connection with Army exchange activities is authorized, provided such employment does not impair or diminish the efficiency in performance of assigned military duties. Compensation will be made at fair and reasonable rates established by the Chief, Army Exchange Service, or in the absence thereof by the commanding officer, or council. Such additional compensation will not exceed \$75 per month.

(c) Position responsibility of enlisted employees will be as prescribed for civilian personnel.

(d) The commanding officer of tactical troops not located on military reservations is authorized to use enlisted men in the operation of the exchange.

§ 554.12 *Contracts.* (a) Under the provision of the regulations in this part, the exchange officer is the contracting officer for the exchange, and he is authorized to execute contracts obligating the exchange.

(b) All contracts and agreements to which exchanges are parties will contain when applicable the statement that such contracts will be terminated when an exchange is liquidated or for other reasons at the option of the exchange.

(c) Contracts on behalf of an exchange will not cover periods of more

than 1 year without the approval of the commanding general of the army area.

(d) Proposed concession contracts will be submitted to the commanding general of the army area for approval, as provided in § 554.5 (c).

(e) All contracts involving future performance will be reduced to writing, signed by the contracting parties, and filed in the records of the exchange.

(f) All contracts that involve the use of Government property not under the control of the exchange will be submitted to the commanding general of the army area for approval.

(g) Contracts involving the sale of 3.2 percent beer entered into in connection with the provisions of § 554.5 (b) (7) will, without exception, be accompanied by affidavit of the manufacturer and distributor of such beer certifying that the alcoholic content of such product does not exceed that permitted by § 554.5 (b) (7).

(h) (1) Exchange contracts are solely the obligation of the exchange. They are not Government contracts and the distinction between exchange contracts and Government contracts will be observed and clearly indicated at all times.

(2) Contracts for the erection of temporary exchange buildings will contain a statement that the proposed construction is an exchange transaction and that the exchange alone is responsible for the debt, and not the Government.

(i) When applicable, contracts for the erection of temporary buildings will contain a statement that immediately upon completion of the building, title thereto passes to the exchange. See § 554.4.

(j) Notwithstanding the provisions of paragraph (a) of this section, whenever an exchange outside the continental limits of the United States makes purchases within the United States as provided in § 554.7 (a) (6) the fiscal agent appointed for such exchange is, within the scope of the assigned duties under such appointment, the contracting officer for the said exchange in limitation of the functions of the commanding officer and the exchange officer as set forth in paragraph (a) of this section.

PART 555—MOTION PICTURE SERVICE

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AUTHORITY: §§ 555.1 to 555.10, issued under R. S. 161; 5 U. S. C. 22.

DERIVATION: AR 210-390, Dec. 6, 1946.

§ 555.1 *Scope.* This part will govern the operation of the Army and Air Force Motion Picture Service and Army theaters established for the exhibition of entertainment motion pictures at military installations within the continental limits of the United States, Alaska, Newfoundland, Bermuda, and specified bases in Canada and the Azores.

§ 555.2 *Definitions.* (a) An Army theater as an adjunct of the Army, exhibits commercial entertainment motion pictures at an admission charge to specified persons and is financed by nonappropriated funds.

(b) Army theaters are operated by the installation commanders under the supervision of the appropriate army and air force commanders and the Army and Air Force Motion Picture Service, Office, Chief of Special Services, as set forth in §§ 555.3 and 555.5.

(c) Where the term "installation" is used in this part it will be construed to mean posts, camps, stations, air bases, depots, airfields, or any similar Army establishment.

(d) Regional and branch offices of the Army and Air Force Motion Picture Service are class II installations reporting direct to the Chief of Special Services, Department of the Army, on all matters. The commanders listed in § 555.5 have no responsibilities in connection with the operation of these regional offices.

§ 555.3 *Army and Air Force Motion Picture Service.* (a) The purposes of the Army and Air Force Motion Picture Service are as follows:

(1) To make available to authorized personnel entertainment motion pictures at low cost in the areas prescribed in § 555.1.

(2) To provide dividends to profitable posts, to maintain service at non-profitable theaters and to procure necessary facilities and equipment for the general improvement of the service.

(b) The Army and Air Force Motion Picture Service is an adjunct of the Army operated by the Department of the Army as a nonappropriated fund activity under the Chief of Special Services, Department of the Army. This service provides supervision as hereinafter defined in the operation of Army theaters.

(c) Such regional and branch offices as may be necessary for efficient operation, and the engineering depot will be maintained, reporting direct to the Chief of Special Services.

(d) (1) The Army and Air Force Motion Picture Service will carry adequate insurance of the kinds and on such plans and forms as may be prescribed from time to time by the Chief of Special Services, in conformity with policies established by the Chief of Finance. Theater officers, assistant theater officers, and theater employees will be bonded under a blanket position bond and theater funds insured as described in TM 28-405, Operation of the Army Theater: Army Motion Picture Service.

(2) Theater officers, assistant theater officers, and theater employees will be bonded under a blanket position bond as described in TM 28-405, November 1, 1945, Operation of the Army Theater: Army Motion Picture Service.

§ 555.4 *Regional offices of the Army and Air Force Motion Picture Service.* The regional offices will perform functions pertaining to the booking and circuiting of entertainment films, the procuring and distributing of advertising material, and such additional functions as may be delegated by the Chief of Special Services from time to time.

§ 555.5 *Command responsibility.* The following will exercise command responsibilities in the supervision of the entertainment motion picture service at Army theaters, and all policy matters will be channeled through them for such action or recommendation as may be appropriate:

(a) Army commanders (ZI).

(b) Commanding generals of the major air force commands in the United States.

(c) Commanding general, Military District of Washington.

§ 555.6 *Films.*—(a) *Supply.* (1) All entertainment motion pictures for exhibition at installations in the area prescribed in § 555.1 will be secured from the Army and Air Force Motion Picture Service with the following exceptions:

(i) American Red Cross service for patients in hospitals.

(ii) 16-mm entertainment motion pictures will not ordinarily be shown at installations where Army theaters are operated. Any unusual conditions that would appear to justify a departure from this policy will be communicated through the appropriate command channels to the Chief of Special Services for approval.

(2) Organization day programs and special children's matinees may be held in accordance with policies established by the Chief, Army and Air Force Motion Picture Service.

(b) *Selection.* The product of all producers is available for Army theaters and selections thereof are made by the Chief, Army and Air Force Motion Picture Service, based on quality as determined primarily by past experience gained from study of audience reactions, attendance reports, and comments of individual post commanders.

(c) *Suitability.* If the post commander objects to the showing of any motion picture scheduled by the Army and Air Force Motion Picture Service, a substitute booking will be arranged, provided that adequate prior notice is transmitted to the appropriate regional office of the Army and Air Force Motion Picture Service.

(d) *Exhibition.* (1) Entertainment motion picture programs furnished by the Army and Air Force Motion Picture Service will be shown only at the Army theater upon the dates contracted for by the Army and Air Force Motion Picture Service as shown on the station notification form. No portion of a scheduled motion picture program may be shown to an audience at other than authorized performances. The program will consist only of such subjects as are scheduled by the Army and Air Force Motion Picture Service.

(2) The sound and projection equipment will be used only for approved performances of entertainment motion picture films booked by the Army and Air Force Motion Picture Service; and for the exhibition of training films or educational films dealing with subjects applicable to the training of military personnel.

(3) The screens and equipment of Army theaters will not be used during paid performances of entertainment motion picture programs for the showing of films or slides advertising commercial products or services.

§ 555.7 *Theater buildings and utilities.* (a) The showing of all films supplied by the Army and Air Force Motion Picture Service will be in a properly equipped building, which for purposes of exhibiting 35-mm entertainment motion pictures will be known as the Army theater.

(b) Theater buildings are available for substitute entertainment in accordance with policies established by the Chief, Army and Air Force Motion Picture Service. Such buildings are available at any time for military purposes without regard to previously arranged motion picture schedules.

(c) At posts where theater buildings have not been constructed, the commanding officer may designate for use, as a theater, any public building which may be determined by the commanding general of the army area, subject to the approval of the Chief, Army and Air Force Motion Picture Service, to be suitable for the proper presentation of 35-mm sound motion pictures.

(d) Theater buildings and their utilities will be maintained by the post engineer out of funds applicable to the maintenance of buildings and operation of utilities except as provided in paragraph (e) of this section.

(e) Fuel, water, and electric services in sufficient quantities to satisfy normal needs for lighting, heating, cooling, ventilation, drinking, and sanitation will be supplied at Government expense to theater buildings, except as specifically provided in TM 28-405 (Operation of the Army Theater) with reference to the use of electricity.

§ 555.8 *Admission charge.* Effective January 1, 1948, the charge for admission will be 20 cents for adults and 15 cents for children under 12 years of age. Children 12 years and over will be charged the adult admission rate. These admission rates are exclusive of admission tax. If considered advisable by the commanding officer, and the seating capacity of the theater permits, children under 6 years of age may be admitted free of charge.

§ 555.9 *Patronage eligibility.* Admission to motion picture shows will be restricted as follows:

(a) Military personnel on active duty may attend any Army theater. Such military personnel when not in uniform will present appropriate identification.

(b) Members of the households of military personnel on active duty may attend showing at Army theaters located at the installations to which the military personnel are assigned although not in the company of such military personnel, provided proper identification is presented.

(c) Members of the households of military personnel on active duty may attend showings at Army theaters located at installations other than that to which the military personnel are assigned, but only when in the company of such military personnel and provided proper identification is presented.

(d) Civilians residing within the limits of Army installations may attend showings at Army theaters at the installation where they reside provided proper identification is presented.

§ 555.10 *Employment of theater personnel.* (a) Employment of enlisted personnel on a voluntary basis, during off-duty hours, in connection with Army theater activities is authorized, provided such employment does not impair or diminish the efficiency in performance of assigned military duties. The number and names of the positions and the maximum rates of pay that may be paid employees of Army theaters will be as designated by the Army and Air Force Motion Picture Service, Office of the Chief of Special Services. Such compensation will not exceed \$75 per month.

(b) All authorized Army theater positions will be part time, and compensation therefor in the case of assistant managers, chief projectionists, assistant projectionists, assistant manager-cashiers, cashiers, ticket takers, and ushers will be on a performance basis. In the case of janitors, supervising assistant managers, and projection supervisors, compensation will be at a flat rate per show day.

PART 557—SERVICE CLUBS, HOSTESSES AND LIBRARIANS

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AUTHORITY: §§ 557.1 to 557.14 Issued under R. S. 161; 5 U. S. C. 22.

DERIVATION: AR 210-70, Dec. 21, 1945.

§ 557.1 *Definitions.* (a) The term "service club" as used in the regulations in this part refers to the structure at an installation housing the service club and may include a library, cafeteria, soda fountain, guest house, or other facilities devoted to recreational or welfare activities.

(b) The term "library" as used in the regulations in this part refers to collections of books, periodicals, and reading materials under the supervision of a librarian. Libraries are authorized either as parts of a service club or independently. Library service will include selection, classification, cataloging, charging out and receipt, and repair of library books and reading materials.

§ 557.2 *Activities—(a) Recreational.* Service club recreational activities at an installation will be under the control of the commanding officer who may prescribe such rules, within these regulations and within the policies prescribed by the Chief of Special Services, as are necessary to insure the efficient operation of such activities and to protect the property employed.

§ 557.3 *Gambling.* No gambling or the use of any device which savors of gambling, such as punchboards, slot ma-

chines, etc., will be permitted within or about the service club or any of its facilities.

§ 557.4 *Vending and amusement machines.* Automatic or mechanical vending or amusement machines may be installed in any service club with the approval of the post commander. All such machines will be operated and controlled by the Army exchange in accordance with the provisions of Part 554 of this chapter. All earnings from the operation of such machines will constitute income of the Army exchange.

§ 557.5 *Purpose.* (a) Service clubs are intended to provide recreation and social activities and the best features of club life for enlisted personnel, members of their families, and friends. All persons using facilities of the service club will comply with the rules and regulations of the club. A cafeteria may be provided as one of the facilities of the service club at which military personnel and their families, friends, visitors, and civilians employed or resident at an installation may obtain meals at reasonable prices. The cafeteria will be operated by the Army exchange.

(b) Where there is a guest house, the director or a hostess will insure the comfort of guests with due regard for the managerial responsibility of the Army exchange which is actually operating the guest house.

(c) Service clubs will in no way supersede company day rooms or Army exchanges.

§ 557.6 *Supervision.* The service club at a post is the responsibility of the post commander and will be operated by a director or hostess under the supervision of the post special services officer with the following exceptions:

(a) Revenue-producing activities will be operated and supervised by the post Army exchange officer.

(b) Libraries will be operated by the post librarian under the supervision of the post special services officer.

§ 557.7 *Library service.* Libraries will be maintained for the benefit of camp personnel. The librarian will be in charge of the library and its activities.

§ 557.8 *Appointment of hostesses and librarians.* (a) Hostesses, librarians, and assistant librarians paid from appropriated funds are appointed by the commanding generals of army areas and at class III installations by the commanding general of the appropriate Air Force command under paragraph 13, section IV, Schedule A, Civil Service Rules and Regulations. (5 CFR, 50.4 (m).) Under the provisions of Schedule A, such employees acquire no civil service status, are not selected from civil service registers, and may be separated from this service because of reductions in personnel, or because of insufficient qualifications. The rules and regulations pertaining to leave of absence, sickness, hospitalization, allowances, travel, and methods of payment which apply to civilians in the classified civil service will apply to such employees.

(b) Commanding generals of army areas will take final action on all personnel transactions involving personnel paid from appropriated funds at class

I and II installations, and the commanding general of the appropriate Air Force command will take final action with respect to such personnel at class III installations. Upon assignment to duty all pertinent personnel papers will be processed in accordance with existing Department of the Army policies.

(c) Hostesses, librarians, and assistant librarians paid from nonappropriated funds are appointed by post commanders in accordance with the provisions of Army Regulations.

§ 557.9 *Army or Air Force command personnel*—(a) *Librarians*. Librarians may be appointed by commanding generals of army areas and assigned to duty for the purpose of supervising library personnel and the operation of libraries at class I and II installations. Librarians may similarly be appointed by the commanding general of the appropriate Air Force command to exercise similar supervision over library personnel and the operation of libraries at class III installations.

(b) *Hostesses*. Hostesses may be appointed by commanding generals of army areas within the current availability of funds and assigned to duty for the purpose of supervising service club personnel and the operation of service clubs exclusive of library and major revenue-producing activities at class I and II installations.

§ 557.10 *Service club and library employees*. The personnel listed below may be employed in service clubs and libraries and paid from appropriated funds to the extent available.

(a) *Type SC-3 and SER-D-M service clubs*. One director, one recreational and social hostess, a librarian, and two assistant librarians.

(b) *Type SC-4 and SER-C-M service clubs*. One director capable of handling recreation, a librarian, and an assistant librarian.

(c) *Type OM-1 service club*. Two recreational and social hostesses.

(d) *Other type service clubs*. Personnel may be allocated to such service clubs at class I and II installations by commanding generals of army areas, and at class III installations by the commanding general of the appropriate Air Force command, not to exceed one hostess (recreational and social), one librarian, and one assistant librarian.

(e) *Libraries separately housed*. One or more librarians and assistant librarians if authorized.

§ 557.11 *Post librarians and assistant librarians*. (a) Librarians, assistant librarians, and other library assistants may be employed at a post upon the authority of the post commander if payment for such service is to be made from nonappropriated funds in accordance with Army Regulations.

(b) If payment of a civilian librarian and assistant librarians to conduct library service at a class I or II installation is to be made from appropriated funds, such employment will be subject to approval of the commanding general of the army area in accordance with limitations prescribed from time to time by the Chief of Special Services. At class III installations such employment will

be subject to the approval of the commanding general of the appropriate Air Force command in accordance with the limitations prescribed by the Chief of Staff, U. S. Air Force. Unless specific approval is obtained from the Chief of Special Services or the Chief of Staff, U. S. Air Force, librarians and assistant librarians to be paid from appropriated funds may not be employed except as follows:

(1) At named general, regional, convalescent, or station hospital units having 1,000 or more beds, one librarian, and one assistant librarian, with one additional assistant librarian for each additional 750 beds.

(2) At posts, camps, and stations with a military strength of 2,500 to 7,500, one librarian and one assistant librarian, with one additional librarian, or assistant librarian for each additional 7,500 enlisted personnel.

§ 557.12 *General duties*—(a) *Army or Air Force command librarian*. (1) Under the direction of commanding generals of armies or the commanding general of the appropriate Air Force command, to supervise all library service within the command, and to formulate plans and policies for all librarians therein.

(2) Advise appropriate officers in the selection of librarians.

(3) Coordinate the instruction of personnel assigned to libraries in the command in modern methods of library procedure, and coordinate the classification and cataloging of all book collections in the command.

(4) Recommend books for and supervise traveling libraries within the command.

(5) Visit all installations within the command and assist in making library service more efficient.

(b) *Army hostess*. (1) Under the direction of commanding generals of army areas, to assist special services officers in the supervision of all service clubs exclusive of library and major revenue-producing activities within the command, and to formulate plans and policies for all hostesses therein.

(2) Advise appropriate officers in the selection of hostesses.

(3) Coordinate the instruction of personnel assigned to service clubs.

(4) Advise service club hostesses within the command on the best methods of carrying out a well-rounded program of social and welfare activities.

(5) Recommend best methods of providing for the physical upkeep of the service clubs within the command.

(6) Visit all installations within the command and assist in making service club operation more efficient.

(c) *Post librarian*. (1) Supervise the library, operate the library service, including the circulation of reading materials to hospitals and barrack areas by means of branch libraries, deposit collections, and bookmobiles, and when necessary interpret and assist in the use of books whether for recreation or study.

(2) Assist military personnel who are enrolled in courses given by or under the direction of the United States Armed Forces Institute to obtain required books, texts, and reference material.

(3) Recommend selection of cultural, recreational, and informational books, pamphlets, magazines, and newspapers.

(d) *Assistant librarian*. (1) Assist the librarian as required in book selection, ordering and requisitioning of reading materials, record keeping, shelf arrangement of reading materials, classification and cataloging, circulation, publicity, bibliographical and reference work and ward service (in hospitals).

(2) Operate branch libraries under the supervision of the librarian.

(e) *Director or hostess in charge of service club*. (1) Supervise the service club facilities and activities, except the technical operation of the library and of revenue-producing activities operated by the Army exchange.

(2) Assist the post special services officer to plan a well-rounded program of social and welfare activities to be coordinated with and supplementary to the other recreational activities of the post, camp, or station.

(3) Develop relations with nearby communities in order to use the resources of such communities for the benefit of the service club facilities.

(4) Supervise and direct the activities of the recreational and social hostess of the service club; make provision for the case of women, and children while visiting camp, including the maintenance of an up-to-date list of accommodations available in nearby communities.

(5) Employ domestic housekeeping and janitor personnel where needed except in the case of revenue-producing activities operated by the Army exchange.

(6) Provide an information service covering all entertainment, recreational, educational, religious, social, and related events available on the military reservation and in nearby communities.

(f) *Recreational and social hostess*. (1) Assist the director of the service club and perform such duties as the director assigns to her.

(2) Plan and execute the service club recreational and social activities which will be broad in scope and interesting to the enlisted military personnel.

§ 557.13 *Qualifications*—(a) *Army librarian*. (1) United States citizenship.

(2) Graduate of a college or university of recognized standing and from an accredited library school.

(3) Five years' professional experience, including 1 year thereof in an administrative capacity.

(4) Professional knowledge of reference and bibliographical sources and professional ability in library science and organization.

(5) Age at selection: (i) Minimum: 30 years.

(ii) Maximum: 50 years.

(6) Sex: Male or female.

(b) *Army hostess*. (1) United States citizenship.

(2) Graduate of a college or university of recognized standing, or 2 years of college education and demonstrated ability to direct supervision of service clubs by having served in an excellent manner as club director.

(3) At least 5 years' experience in adult group and mass recreational activi-

ties, 2 years of which has been in an executive or managerial capacity.

(4) Experience in nursing, business administration, dramatics, music, and social welfare will be considered as an asset but is not required as a minimum requirement.

(5) Age at selection: (i) Minimum: 30 years.

(ii) Maximum: 45 years.

(6) Sex: Female.

(c) *Post librarian.* (1) United States citizenship.

(2) Graduate of a college or university of recognized standing, and from an accredited library school.

(3) One year's experience, other than clerical, in library work.

(4) Capacity for development in professional library work in libraries where reading for educational and recreational purposes is stressed.

(5) A good knowledge of a wide range of literature, and the ability to fit book to reader is desired, but not required as a minimum requirement.

(6) Age at selection: (i) Minimum: 25 years.

(ii) Maximum: 40 years.

(7) Sex: Female.

(d) *Assistant librarian.* (1) United States citizenship.

(2) Graduate of an accredited library school; or graduate of a college or university of recognized standing with 1 year's experience in library work.

(3) Age at selection: (i) Minimum: 20 years.

(ii) Maximum: 40 years.

(7) Sex: Female.

(e) *Director of service club.* (1) United States citizenship.

(2) Graduate of a college of recognized standing or 2 years of college education and demonstrated ability to direct a service club by having served in an excellent manner as junior hostess.

(3) At least 5 years' experience in adult group and mass recreational activities, 2 years of which in an executive or managerial capacity.

(4) Experience in nursing, business administration, dramatics, music, social and welfare work will be considered an asset but is not required as a minimum requirement.

(5) Age at selection: (i) Minimum: 30 years.

(ii) Maximum: 45 years.

(6) Sex: Female.

(f) *Recreational and social hostess.* (1) United States citizenship.

(2) A minimum of 2 years in a college or a university of recognized standing.

(3) At least 3 years' experience in planning and directing social and recreational activities in or with educational, recreational, or similar organizations.

(4) Preference will be given to those with training in recreation, either as an undergraduate or in a recognized graduate school.

(5) Skill in handling group and mass recreational activities.

(6) Experience in business administration and in a wide variety of recreational activities is desirable but not required as a minimum requirement.

(7) Age at selection: (i) Minimum: 25 years.

(ii) Maximum: 40 years.

(8) Sex: Female.

(g) *Age restrictions.* With the exceptions noted in paragraph (h) of this section, no Army or Air Force librarian will remain on duty after having reached the age of 55; and no director of service clubs will remain on duty after having reached the age of 50; and no recreational and social hostess or post librarian will remain on duty after having reached the age of 45. All personnel now on duty, who at the effective date of this part, have passed the foregoing prescribed age of severance will be separated from the service. Personnel now on duty whose qualifications are less than the minimum qualifications required by this part may be separated from the service at the discretion of the commanding general concerned.

(h) *Exceptions in qualifications.* The commanding general of an Army or Air Force command is authorized to make exceptions in these qualifications, other than citizenship and professional qualifications at selection, when individuals possessing all other desired qualifications are not available and the interests of the service will best be served by the appointment or continued employment of an individual who can satisfactorily perform the duties involved.

§ 557.14 *Quarters.* (a) Where guest houses exist, quarters for the hostesses and librarians other than Army librarians may, where practicable, be provided therein.

(b) Quarters for hostesses and librarians will conform to Department of the Army regulations.

(c) Charges for quarters furnished hostesses and librarians in guest houses operated by the Army and Air Force Exchange Service will be paid by the occupants in cash rather than by pay roll deductions. Rates will be comparable with those specified in civilian personnel regulations for nonhousekeeping quarters. The provisions of civilian personnel regulations providing for payment for Government-furnished quarters by pay roll deduction will govern when hostesses and librarians are furnished such quarters other than in guest houses operated by the Army and Air Force Exchange Service.

[SEAL]

EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-9117; Filed, Oct. 14, 1948;
8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of Interior

PART 406—REDELEGATIONS OF AUTHORITY BY COMMISSIONER OF RECLAMATION

BOULDER CANYON PROJECT

The following section is added to Title 43, Part 406:

REGION III

§ 406.300 *Boulder Canyon project.*
With respect to the sale and lease of

certain houses, apartments, and lands in Boulder City, Nevada, as authorized by the act of May 25, 1948 (Public Law 553, 80th Cong.), and pursuant to the powers delegated to the Commissioner of Reclamation in § 4.414 of this title, the Director of Power, Boulder Canyon project, shall:

(a) *Sale of houses.* Sell each house, including the furniture, fixtures and appurtenances, acquired from the Defense Homes Corporation by contract dated June 18, 1947, and situated on land in Boulder City, Nevada, to qualified lessee occupants, at a price for each house not to exceed the amount at which the house was carried on the books of the Defense Homes Corporation at the date of transfer to the Secretary: *Provided*, That the difference between the rental paid by each purchaser, for the period beginning July 1, 1948, and ending on the date of sale, and the rental that would have been paid for such period if such purchaser had been ineligible to purchase under the provisions of the act of May 25, 1948 (Public Law 553, 80th Cong.) shall be credited as payment by each such purchaser on account of the purchase price.

(b) *Lease of lands.* Lease the reserve lands of the United States situated within the exterior boundaries of Boulder City, Nevada, including the lands upon which the houses so sold are situated, in accordance with the provisions set out under the heading "Boulder Canyon Project" in the Interior Department Appropriation Act, 1941 (54 Stat. 406, 437) and the regulations promulgated pursuant to that act.

(c) *Repossession.* Repossess the houses now occupied by persons who are ineligible to purchase.

(d) *Resale.* Accept or refuse offers of sale from any purchaser who wishes to resell during the three-year period as provided for in the act of May 25, 1948, and perform all other acts necessary to carry out the provisions of that statute. (Pub. Law 553, 80th Cong.; 13 F. R. 5493)

MICHAEL W. STRAUS,
Commissioner of Reclamation.

OCTOBER 4, 1948.

[F. R. Doc. 48-9093; Filed, Oct. 14, 1948;
8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 01—ORGANIZATION AND PROCEDURE

PACIFIC OCEANIC FISHERY INVESTIGATIONS

CROSS REFERENCE: The codification of Subpart A—Organization, of Part 01, Chapter I, Title 50 has been discontinued and future amendments to this subpart will appear in the Notices section. For notice of changes in field organization and delegations of authority to certain officials of the Pacific Oceanic Fishery Investigations, see F. R. Doc. 48-9094 under Department of the Interior, Fish and Wildlife Service in the Notices section, *infra*. This document also deletes Subpart B—Procedures from the Code of Federal Regulations.

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 48-48]

TERMINATION OF APPROVALS OF
EQUIPMENT

A notice regarding the proposed termination of Approval No. 162.001/57/0, Type S, Coale marine pop safety valve, Approval No. 162.001/58/0, Type M, Coale heavy duty marine safety valve, and Approval No. 162.001/59/0, Type M, Coale heavy duty marine safety valve granted to the Coale Muffler & Safety Valve Co. was published in the FEDERAL REGISTER dated August 11, 1948, 13 F. R. 4633, and a public hearing was held by the Merchant Marine Council on September 28, 1948, at Washington, D. C.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405, 4417a, 4429-4433, 4491, 49 Stat. 1544, and sec. 5 (e), 55 Stat. 244, as amended, 46 U. S. C. 367, 375, 391a, 407-411, 489, 50 U. S. C. 1275, and section 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875, the following termination of approvals of equipment is prescribed:

SAFETY VALVES

Termination of Approval No. 162.001/57/0, Type S, Coale marine pop safety valve, cast steel body, exposed spring, single relieving lever, maximum working pressure 300 pounds per square inch, maximum temperature 750° F., suitable for superheated steam, Dwg. No. 815 Revised October 7, 1941, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3" diameters, manufactured by Coale Muffler & Safety Valve Co., 325 East Oliver Street, Baltimore 2, Md.

Termination of Approval No. 162.001/58/0, Type M, Coale heavy duty marine pop safety valve, bronze body, enclosed spring, single lifting lever, maximum working pressure 300 pounds per square inch, maximum temperature 450° F., Dwg. No. 818 dated November 27, 1941, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.20 and 52.14, approved for sizes 2", 2½" diameters, manufactured by Coale Muffler & Safety Valve Co., 325 East Oliver Street, Baltimore 2, Md.

Termination of Approval No. 162.001/59/0, Type M, Coale heavy duty marine pop safety valve, cast steel body, enclosed spring, single lifting lever, maximum working pressure 300 pounds per square inch, maximum temperature 450° F., Dwg. No. 817-A dated November 17, 1941, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 3", 3½", 4", 4½" diameters, manufactured by Coale Muffler & Safety Valve Co., 325 East Oliver Street, Baltimore 2, Md.

CONDITIONS OF TERMINATION OF APPROVALS

The termination of approvals of equipment made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item of equipment, such equipment in use on merchant vessels on the effective date of termination of approval may be continued in service so long as it is in good and serviceable condition.

Dated: October 11, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 48-9105; Filed, Oct. 14, 1948;
8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

PACIFIC OCEANIC FISHERY INVESTIGATIONS

NOTICE OF CHANGES IN FIELD ORGANIZATION
AND DELEGATIONS OF AUTHORITY

1. Subpart A—Organization, of Part 01, Chapter I, Title 50, is hereby eliminated from the Code of Federal Regulations. Material relating to the organization of the Fish and Wildlife Service hereafter will be published as notices and will be designated by sections numbered to correspond with the numbers following the decimal points as they have heretofore appeared in said Part 01 of Title 50, Code of Federal Regulations. Subpart B—Procedures is hereby deleted.

2. As renumbered, a new subsection (c) is added to Section 23, *Special offices* to read as follows:

(c) The Pacific Oceanic Fishery Investigations Office and Laboratory is maintained at Honolulu, T. H., for investigation, exploration and development of the Pacific fisheries in accordance with the act approved August 4, 1947 (61 Stat. 726). This Office reports directly to the Director of the Fish and Wildlife Service.

3. As renumbered, Section 60, *Delegations of authority by Director*, subsection (a), *Contracts for procurements*, (3) *Other field offices*, is amended by adding to the list of officials having procurement contracting authority within the \$10,000 limitation, the following:

Director, Assistant Director, and Administrative Officer, Pacific Oceanic Fishery Investigations, Honolulu, T. H. (Secs. 3, 12, 60 Stat. 238, 244; 5 U. S. C. 1002, 1011; 43 CFR 4.100 (d))

4. As renumbered, Section 60, *Delegations of authority by Director*, subsection (b), *Leases of space in real estate*, (3) *Other field offices*, is amended by adding to the list of officials having authority for leasing of space in real estate within the \$10,000 limitation, the following:

Director, Assistant Director, and Administrative Officer, Pacific Oceanic Fish-

ery Investigations, Honolulu, T. H. (Secs. 3, 12, 60 Stat. 238, 244; 5 U. S. C. 1002, 1011; 43 CFR 102 (e))

Dated: October 11, 1948.

M. C. JAMES,
Acting Director.

[F. R. Doc. 48-9094; Filed, Oct. 14, 1948;
8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2801]

FLORIDA AIRWAYS, INC.; MAIL RATE
PROCEEDING

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Florida Airways, Inc., over its entire system, and the Board's order to show cause, Serial No. E-2037, dated September 30, 1948.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 15, 1948, at 10:00 a. m. (eastern standard time) in Room 1049, Temporary Building No. 4, 17th and Constitution Ave., NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., October 8, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-9098; Filed, Oct. 14, 1948;
8:47 a. m.]

[Docket No. 3507]

ROBINSON AVIATION, INC.; MAIL RATES

NOTICE OF HEARING

In the matter of the petition of Robinson Aviation, Inc., for the establishment of rates for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its entire route.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a public hearing in the above-entitled matter is assigned to be held on October 18, 1948, at 10:00 a. m. (eastern standard time) in Room 1049, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., October 8, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-9102; Filed, Oct. 14, 1948;
8:48 a. m.]

[Docket No. 3489]

CANADIAN PACIFIC AIR LINES, LTD.

NOTICE OF HEARING

In the matter of the application for transfer to Canadian Pacific Air Lines, Limited, of foreign air carrier permit now held by Trans-Canada Air Lines authorizing the air transportation of persons, property, and mail between Whitehorse, Yukon Territory, Canada, and Fairbanks, Alaska.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on October 15, 1948, at 10:00 a. m. (eastern standard time) in Room 2015, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., October 8, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.[F. R. Doc. 48-9101; Filed, Oct. 14, 1948;
8:48 a. m.]

[Docket No. 3357]

STANDARD AIR LINES, INC.

NOTICE OF HEARING

In the matter of the suspension and revocation of letter of registration No. 826 issued to Standard Air Lines, Inc.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401 (a), 1001, 1002 (b), and 1002 (c), of said act, a hearing in the above-entitled proceeding is assigned to be held on October 18, 1948, at 10:00 o'clock a. m., in Conference Room A, Departmental Auditorium, Labor Building, Washington, D. C., before Examiner Walter W. Bryan.

For further details in this proceeding interested parties are referred to Board's order Serial No. E-1607 and other papers filed in the docket of this proceeding in the Docket Section of the Civil Aeronautics Board.

Without limiting the scope of the issues presented by this proceeding, particular attention will be directed to the following matters and questions:

1. Has respondent violated sections 401 (a), 403 (a), 403 (b), 404 (b), 407 (a), 411, and 412 of the Civil Aeronautics Act of 1938, as amended, and/or § 292.1 of the Board's Economic Regulations?

2. If any such violations are established were such violations knowing and willful?

3. If any such violations are established, should the Board issue an order to cease and desist, or other order to compel compliance with applicable provisions of the Act or § 292.1 of the Board's Economic Regulations?

4. If any such violations are established should the Letter of Registration heretofore issued to respondent by the Board be revoked?

No. 202—4

Dated at Washington, D. C., October 11, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.[F. R. Doc. 48-9100; Filed, Oct. 14, 1948;
8:47 a. m.]

[Docket Nos. 3286 et al.]

UNITED STATES-ALASKA SERVICE CASE

NOTICE OF HEARING

In the matter of the investigation relating to the adequacy of cargo service between the United States and the Territory of Alaska and applications for certificates and amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, authorizing the establishment of new, different and/or additional air transportation services of persons, property and mail between the United States and the Territory of Alaska.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401, 404 (a), 1001 and 1002 (b) of said act, that a hearing in the above-entitled proceeding is assigned to be held on October 25, 1948 at 10 a. m. in the U. S. District Court for the Territory of Alaska, Federal Building, Anchorage, Alaska, before Examiner William F. Cusick.

Without limiting the scope of the issues presented by the parties to this proceeding, particular attention will be directed to the following matters and questions:

(1) Whether the cargo service presently offered between points in Alaska and points in the United States has been, is, or may continue to be inadequate.

(2) Whether the proposed routes are required by the public convenience and necessity.

(3) Whether the applicants are citizens of the United States and are fit, willing, and able to perform the services for which they are applying and to conform to the act and the rules, regulations, and requirements of the Board promulgated thereunder.

(4) If the public convenience and necessity require the service, which carrier can best perform the service.

Notice is further given that any person desiring to be heard in opposition to an application consolidated in this proceeding must file with the Board on or before October 25, 1948 a statement setting forth the issues of fact or law which he desires to controvert and such person may appear and participate in the hearing in accordance with § 285.6 (a) of the rules of practice under Title IV of section 1002 (d) of the Civil Aeronautics Act of 1938, as amended.

For further details of the service proposed and authorizations requested, interested parties are referred to the applications on file with the Civil Aeronautics Board.

Dated at Washington, D. C., October 11, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.[F. R. Doc. 48-9099; Filed, Oct. 14, 1948;
8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-627, G-635]

CITY OF PITTSBURGH ET AL.

NOTICE OF OPINION NO. 168 AND ORDER

OCTOBER 11, 1948.

City of Pittsburgh v. Pittsburgh and West Virginia Gas Company and Kentucky West Virginia Gas Company, Docket No. G-627; in the matter of Pittsburgh and West Virginia Gas Company and Kentucky West Virginia Gas Company, Docket No. G-635.

Notice is hereby given that, on October 8, 1948, the Federal Power Commission issued its Opinion No. 168 and order entered by the Commission on September 2, 1948, reducing rates of Kentucky West Virginia Gas Company in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 48-9097; Filed, Oct. 14, 1948;
8:47 a. m.]SECURITIES AND EXCHANGE
COMMISSION

[File No. 70-1946]

STANDARD GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING
DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of October 1948.

Standard Gas and Electric Company ("Standard"), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, has filed an application-declaration and amendments thereto, pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 ("act"), and Rules U-44 and U-50 promulgated thereunder relating to the transactions summarized below:

Standard, which presently owns 750,025 shares (or 84.27%) of the outstanding Common Stock, \$20 par value, of Oklahoma Gas and Electric Company ("Oklahoma"), proposes to sell pursuant to the competitive bidding requirements of Rule U-50, 250,000 shares of such stock and to apply the net proceeds towards the payment of interest and principal on its outstanding notes payable to banks, due April 10, 1949, aggregating \$20,694,334.95 as of June 30, 1948. Standard also proposes to make purchases of Oklahoma Common Stock, if such purchases at the time are deemed necessary or desirable, for the purpose of stabilizing the

market price of the said stock. Such purchases will be made during the period from and including October 11, 1948, to the time of the acceptance or rejection of proposals for the purchase of said 250,000 shares of Oklahoma Common Stock, or through October 20, 1948, whichever is earlier. Any shares so acquired by Standard will be retained by it, subject, however, to the provisions of the order of the Commission, dated August 8, 1941, in File No. 59-9, wherein Standard was directed, among other things, to sever its relationship with Oklahoma.

As the application-declaration was originally filed, Standard proposed to sell to underwriters 400,000 shares of its holdings of Oklahoma Common Stock and requested an exemption from the competitive bidding requirements of Rule U-50 in connection with such sale. Pursuant to an order of the Commission, dated September 24, 1948, Holding Company Act Release No. 8535, public hearings were held to consider whether Standard's request for an exemption from Rule U-50 should be granted. During the course of such hearings, Standard filed a further amendment to its application-declaration and modified the proposed transactions, as stated above.

Standard has requested that the Commission's order herein become effective on the date of issuance, that such order contain appropriate findings and tax recitals required by sections 371 (b), 371 (f) and 1808 (f) of the Internal Revenue Code, as amended, and that the 10-day period for inviting bids as provided in Rule U-50 be shortened to 6 days.

The application-declaration having been filed on September 13, 1948, and amendments thereto having been filed on September 23, 1948, and October 6, 1948, notice of said filing having been given in the manner and form prescribed by said Rule U-23 promulgated pursuant to said act and the Commission not having received a request for a hearing with respect to said application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon except as hereinabove noted; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder and deeming it appropriate in the public interest that said application be granted and that said declaration be permitted to become effective, forthwith, and that it is not necessary to impose any terms and conditions other than those set forth below:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject further to the condition that the proposed sale of the Common Stock of Oklahoma Gas and Electric Company shall not be consummated until the re-

sults of the competitive bidding pursuant to Rule U-50 with respect to said stock shall have been made a matter of record herein and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may be deemed appropriate.

It is further ordered, That the Commission's order, dated August 8, 1941, requiring, among other things, that Standard Gas and Electric Company sever its relationship with Oklahoma Gas and Electric Company by disposing, or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the act, or the rules and regulations promulgated thereunder, of its direct and indirect ownership, control and holding of securities issued and properties owned, controlled, or operated by Oklahoma Gas and Electric Company, shall be deemed to require the disposition of any shares of Common Stock of Oklahoma Gas and Electric Company acquired as a result of stabilizing the market price of such Common Stock, as authorized herein, with the same force and effect as if said shares had been held by Standard Gas and Electric Company as of the date of said order.

It is further ordered, That the 10-day period for the reception of bids with respect to the stock proposed to be sold, prescribed by Rule U-50, be, and same hereby is, shortened to 6 days.

It is further ordered, recited and the Commission finds that the proposed sale and transfer by Standard Gas and Electric Company of 250,000 shares of Common Stock, par value \$20 per share, of Oklahoma Gas and Electric Company, an Oklahoma corporation (represented by Certificates Nos. CC108 and CC111) now held by Standard Gas and Electric Company, is necessary or appropriate to the integration or simplification of the holding company system of which Standard Gas and Electric Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, within the meaning of sections 371 and 1808 (f) of the Internal Revenue Code, as amended.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 48-9095; Filed, Oct. 14, 1948;
8:46 a. m.]

[File No. 59-15]

NORTHERN NEW ENGLAND CO. AND NEW
ENGLAND PUBLIC SERVICE CO.

MEMORANDUM OPINION AND ORDER GRANTING
APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of October A. D. 1948.

New England Public Service Company ("NEPSCO"), a registered holding company, has filed an application, and an amendment thereto, proposing to renew

its notes payable to banks, dated October 9, 1947 and presently outstanding in the aggregate amount of \$11,900,000, for the period of one year, and requesting a one year extension to October 9, 1949 of the time within which it must sell sufficient of its utility stocks to repay in full its notes, as provided by the amended plan of NEPSCO for the retirement of its Prior Lien Preferred stock, approved by the Commission, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, on June 27, 1947 and September 12, 1947.¹ After appropriate notice, a public hearing was held with respect to said application, as amended. Two preferred stockholders' committees appeared in support of said application, and no one appeared in opposition thereto.

The amended plan of NEPSCO provided, inter alia, for a one year loan from The First National Bank of Boston and four other banks and trust companies in an amount not in excess of \$16,000,000 at an interest rate of 2¼% per annum. It further provided that NEPSCO would within one year after the date of the loan sell at competitive bidding, or in such manner as the Commission may approve, sufficient of its holdings of utility stocks to repay the loan in full unless the Commission granted one or more extensions. On October 9, 1947, NEPSCO, in the consummation of its plan, borrowed an aggregate amount of \$13,500,000 for the period of one year with the right to two successive renewals of one year each, provided the Commission approved such renewals. Under the loan agreement, the notes are payable ratably to the holders in proportion to the face amounts of such notes at the rate of \$400,000 on the first days of January, April, July and October of each year, to be applied to the reduction of the principal. The notes have now been reduced to \$11,900,000. The loan may be prepaid in whole or in part without penalty out of earnings or proceeds from sales of assets. No dividends will be paid on any class of stock of NEPSCO so long as any part of the loan remains unpaid.

NEPSCO's investments in utility stocks consist of 1,315,181 shares (77.8%) of the common stock of Central Maine Power Company ("Central Maine"), 493,856.8 shares (58.9%) of the common stock of Public Service Company of New Hampshire ("New Hampshire") and 231,668.5 shares (35.5%) of the common stock of Central Vermont Public Service Corporation ("Central Vermont"). NEPSCO has pledged, as collateral for its loan, all of its holdings of common stock of New Hampshire and 904,226 shares of its holdings of common stock of Central Maine. NEPSCO has also pledged all of its holdings of common stock of Central Vermont as collateral for an additional loan of \$500,000, made in connection with the issue and sale of common stock by Central Vermont and the exercise of sub-

¹ New England Public Service Company, — S. E. C. — (1947), Holding Company Act Release No. 7511; enforced in re New England Public Service Company, — F. Supp. —, Civil Action No. 477 (D. C. Me. August 8, 1947); Holding Company Act Release No. 7713.

scription rights of NEPSCO in July, 1948.² The total outstanding indebtedness of NEPSCO now amounts to \$12,400,000.

On November 24, 1947, shortly after NEPSCO consummated its plan, New Hampshire filed an application with this Commission for the issue and sale of 139,739 additional shares of common stock for its own account, which sale was not fully consummated until May 4, 1948. The testimony is to the effect that the delay in effectuating the sale of such stock for New Hampshire's own account required postponement of NEPSCO's sale of its portfolio holdings of New Hampshire. The testimony further indicates that circumstances relating to the proposed sale of common stock by Central Maine and the sale of common stock by Central Vermont as described in our findings, opinions and orders of December 1 and 9, 1947,³ and April 30, 1948, July 21 and 23, 1948,⁴ respectively, made it inadvisable for NEPSCO to proceed with the sale of its common stock holdings in Central Maine and in Central Vermont. NEPSCO now represents that it will sell, during the fall of 1948, 200,000 shares of its holdings of common stock of New Hampshire. In this connection, NEPSCO has filed concurrently herewith a declaration (File No. 70-1951) for such sale at competitive bidding under Rule U-50. We have ordered a hearing with respect to said declaration on October 19, 1948. Among the issues at the hearing will be whether NEPSCO, in view of the provisions of the plan approved by us and the District Court, should not sell a larger block of its portfolio holdings of New Hampshire than is proposed in said declaration.

Under the circumstances, we believe that it is appropriate in the public interest and in the interest of investors to permit the renewal of the bank notes for the period of one year from October 9, 1948. However, we see no necessity for granting NEPSCO a one year extension to October 9, 1949 of the time within which it must sell sufficient of its holdings of utility stocks to repay in full its bank loan.

We conclude that no adverse findings are necessary with respect to the proposed renewal of the notes under the applicable standards of the act, and we observe no basis for the imposition of terms and conditions other than those contained in Rule U-24. Accordingly, we find that the application as amended, should be granted insofar as it relates to the renewal of the notes for the period of one year, and we take no action at this time with respect to the requested extension of time within which NEPSCO was to sell sufficient of its holdings to repay in full its bank loan.

It is ordered, That the application, as amended, of New England Public Service

² Central Vermont Public Service Corporation et al., — S. E. C. — (1948), Holding Company Act Release No. 8364 and No. 8368.

³ Central Maine Power Company, — S. E. C. — (1947), Holding Company Act Release Nos. 7882 and 7910.

⁴ Central Vermont Public Service Corporation, — S. E. C. — (1948), Holding Company Act Release Nos. 8174, 8364 and 8368.

Company insofar as it relates to the renewal of its notes, dated October 9, 1947, and presently outstanding in the aggregate amount of \$11,900,000, for the period of one year, as provided by the amended plan of NEPSCO for the retirement of its Prior Lien Preferred stock, approved by the Commission, on June 27, 1947, and September 12, 1947, be, and the same hereby is, granted forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9096; Filed, Oct. 14, 1948;
8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

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

[Vesting Order 12054]

ADAM MILLER

In re: Estate of Adam Miller, deceased. File D-28-9148; E. T. sec. 11822.

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

1. That Henry Miller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);
2. That Peter Kreppel and — Miller, first name unknown (daughter of Jacob Miller, deceased brother of Adam Miller, deceased), who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);
3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Adam Miller, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);
4. That such property is in the process of administration by the County Treasurer of Cook County, Illinois, as Depository, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraphs 1 and 2 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on September 16, 1948.

For the Attorney General.

[SEAL]

MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9107; Filed, Oct. 14, 1948;
8:50 a. m.]

[Vesting Order 12100]

RUSSELL L. KIRCHNER ET AL.

In re: Russell L. Kirchner, et al., plaintiffs vs. Waldemar Hoffman, et al., defendants. File 017-24146.

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

1. That Emma Schmidt Paul, Katharina Schmidt, Emil Schmidt and Lina Schmidt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);
2. All right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the proceeds of the real estate sold pursuant to court order in a partition suit entitled: "Russell L. Kirchner, et al., plaintiffs vs. Waldemar Hoffman, et al., defendants, No. 18555" in the Circuit Court of Morgan County, Illinois, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);
3. That such property is in the process of administration by John B. Wright, Master in Chancery, acting under the judicial supervision of the Circuit Court of Morgan County, Illinois;

and it is hereby determined:

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

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

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

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

NOTICES

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9108; Filed, Oct. 14, 1948;
8:50 a. m.]

[Vesting Order 12111]

C. VON PETERSDORFF HUGHES

In re: Mortgage participation certificates owned by C. Von Petersdorff Hughes, F-28-25645-D-1.

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

1. That C. Von Petersdorff Hughes, whose last known address is Luisenstrasse 10, Kassel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);
2. That the property described as follows:

All rights and interests in and under three mortgage participation certificates issued by the New York Title and Mortgage Company, of \$1,000.00 face value each, participating in New York Title and Mortgage Company Series N-97 Mortgage Investments, bearing the numbers 445, 446 and 447, registered in the name of C. Von Petersdorff Hughes, including particularly all rights under a Declaration of Trust, dated February 29, 1936, and a plan of reorganization of New York Title and Mortgage Company Series N-97 Mortgage Investments approved by an order of the Supreme Court of New York, made November 23, 1935,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9109; Filed, Oct. 14, 1948;
8:50 a. m.]

[Vesting Order 12133]

FRANCIS ANTON EDWARD MEYER

In re: Trust under the will of Francis Anton Edward Meyer, deceased. File No. D-28-2509; E. T. sec. 3835.

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

1. That Gustav Otto Richard Hofmeister, Theodore Ferdinand Eduard Hofmeister, Albert Henry William Hofmeister, and Oscar Ludwig Robert Hofmeister, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of \$728.69 was paid to the Attorney General of the United States by Irving S. Reeve, attorney for executor and trustee of the trust under the will of Francis Anton Edward Meyer, deceased;

3. That the said sum of \$728.69 was accepted by the Attorney General of the United States on May 26, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of \$728.69 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9110; Filed, Oct. 14, 1948;
8:50 a. m.]

[Vesting Order 12181]

AUGUST KAMENZ

In re: Estate of August Kamenz, deceased. File No. D-28-4027; E. T. sec. 8513.

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

1. That Kolte (Kathe)-Braff and Paul Kamenz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of August Kamenz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by J. S. Symington, as executor, acting under the judicial supervision of the County Court for the County of Pembina, Cavalier, North Dakota;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9111; Filed, Oct. 14, 1948;
8:51 a. m.]

[Vesting Order 12179]

FRANCIS MORAN BRAMBEER ET AL.

In re: Indenture of trust dated September 9, 1933 between Francis Moran Brambeer and Bank of New York and Fifth Avenue Bank, trustee, for the benefit of Ilse Brambeer, et al. File No. F-28-3317; E. T. sec. 1397.

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

1. That Ilse Brambeer, also known as Ursula Brambeer, Ada Ursula Brambeer Fechner, Gerhild Stephanie Fechner and Francis Moran Brambeer, Jr., whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain Trust Indenture dated September 9, 1933, by and between Francis Moran Brambeer and Bank of New York and Fifth Avenue Bank, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Bank of New York and Fifth Avenue Bank, 48 Wall Street, New York, New York, as trustee, acting under the judicial supervision of the Supreme Court, County of New York, New York;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9112; Filed, Oct. 14, 1948;
8:51 a. m.]

[Dissolution Order 84]

JAPAN COTTON CO.

Whereas, by Vesting Order No. 76, dated July 30, 1942 (7 F. R. 7048, September 5, 1942), and Vesting Order No.

186, dated September 28, 1942 (7 F. R. 7819, October 2, 1942), there was vested all of the issued and outstanding capital stock of Japan Cotton Company, a Texas corporation; and

Whereas, Japan Cotton Company has been substantially liquidated;

Now, under the authority of the Trading With the Enemy Act, as amended, and Executive Order 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except the claims of the Attorney General of the United States for services rendered to or on behalf of the corporation, except possible claims arising in connection with the liquidation and dissolution of the corporation, except claims shown on the books of the corporation as due the following creditors in the amounts set forth below:

Yamakawa & Co.....	\$200,632.79
Yokohama Specie Bank Ltd., New York.....	300,399.14
Jean Boeswillwald.....	1,135.80
R. Latham & Ed Gilg.....	154.76
Menka G. m. b. H.....	109.84
Maison du Pasquier.....	519.40

and except possible Federal, state and local taxes and fees which may accrue; and

2. Finding that a reserve of \$1,212.68 will be sufficient to meet such administrative expenses as may arise in connection with the continued liquidation of the corporation; and

3. Having determined that it is in the national interest of the United States that the proceedings for the dissolution of the corporation be continued and that a partial distribution of its assets be made in pro rata payment of the above-mentioned corporate obligations, and a certificate of dissolution having been issued by the Secretary of State of the State of Texas;

hereby orders that the officers and directors of Japan Cotton Company, (to wit: Henry S. Sellin, President and Director, Stanley B. Reid, Vice President and Director, Robert Kramer, Secretary, Treasurer and Director, and their successors, or any of them) continue the proceedings for the dissolution of Japan Cotton Company; and further orders, that the said officers and directors continue to wind up the affairs of the corporation and distribute its assets as follows:

a. They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of the corporation and the dissolution thereof; and

b. They shall then pay all known Federal, state and local taxes and fees owed by or accruing against the said corporation; and

c. They shall then pay the Attorney General of the United States the sum of \$132.03 representing expenses incurred by the Office of Alien Property Custodian and by the Office of Alien Property for the benefit of the corporation subsequent to its dissolution; and

d. They shall then set aside the sum of \$1,212.68 as a reserve to meet such administrative expenses as may arise in

connection with the continued liquidation of the corporation; and

e. They shall then provide for pro rata payment of 11.5 per cent on each of the above-mentioned accounts payable as follows:

(1) They shall make payment on the account payable to Yamakawa & Company by paying to the Attorney General of the United States, as owner of said account by virtue of Vesting Order 369, the amount of \$23,072.77.

(2) They shall make payment on the account payable to Menka G. m. b. H. by paying to the Attorney General of the United States, as owner of said account by virtue of Vesting Order 10491, the amount of \$12.63.

(3) They shall make payment on account of the claim of the Attorney General of the United States for expenses incurred by the Office of Alien Property Custodian prior to the dissolution of the corporation in the amount of \$23.45 by paying to the Attorney General of the United States the amount of \$2.70.

(4) They shall make payment on each of the accounts payable to nationals of foreign countries, and each of the accounts payable to nationals of designated enemy countries which shall not have been previously vested by the Attorney General of the United States, by making payment into separate accounts to be maintained by the Comptroller's Branch of the Office of Alien Property as follows:

Jean Boeswillwald.....	\$130.62
R. Latham & Ed Gilg.....	17.80
Maison du Pasquier.....	59.73

Each of said accounts shall be entitled substantially as follows: "Attorney General of the United States, Account of (Name of Account) in the case of Japan Cotton Company, Vesting Orders 76 and 186." Such payment shall not transfer title to such accounts to the Attorney General but such accounts shall be subject to his authorization. The payments herein directed into such accounts shall, to the extent thereof, be a full acquittance and discharge for all purposes of the obligations of Japan Cotton Company.

(5) They shall set aside as a reserve, to cover pro rata payment on the account payable to Yokohama Specie Bank, Ltd., New York in the amount of \$300,399.14, the sum of \$34,545.90, to be paid, in the event such account payable is determined to be valid, to the Attorney General of the United States by virtue of his acquisition of said account payable by Vesting Order 915 and assignment from the Superintendent of Banks of the State of New York pursuant to that vesting order.

f. They shall then continue to wind up the affairs of the corporation pending final determination of the collectibility of the present unliquidated assets of the corporation and shall pay all monies collected from the liquidation of such assets and any other funds which become available, first, in pro rata payment on the balance owing on the above-mentioned creditor's claims, and second, as a liquidating dividend to the Attorney General of the United States as sole stockholder of the corporation; and

further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading With the Enemy Act, as amended, of any person who may have a claim against the said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person; *And provided further,* That such claim shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading With the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

further orders, that all actions taken and acts done by the officers and directors of Japan Cotton Company pursuant to this Order and the directions contained therein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading With the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 11th day of October 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9113; Filed, Oct. 14, 1948;
8:51 a. m.]

[Return Order 197]

KURT ROTHSCHILD

Having considered the claim set forth below and having issued a Determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the Determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published and Property

Kurt Rothschild, 36-15 168th Street, Flushing, Long Island, New York, Claim No. 7553, August 27, 1948 (13 F. R. 5016), \$6,352.39 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 8, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9114; Filed, Oct. 14, 1948;
8:51 a. m.]

ANTOINE GAZDA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., and Property

Antoine Gazda, Providence, Rhode Island, A-136, Property described in Vesting Order No. 1029 (8 F. R. 4206 April 2, 1943) relating to United States Letters Patent Nos. 2,367,572; 2,317,267 and Patent Applications Serial Nos. 269,661; 318,571; 334,446; 334,447 and 269,273.

Executed at Washington, D. C., on October 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9115; Filed, Oct. 14, 1948;
8:51 a. m.]

HIROMI ISHIDA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No. and Property

Hiromi Ishida, 1741 Lanakila Road, Honolulu, T. H., 29119; \$395.67.

Yone Ishida, 1741 Lanahilla Road, Honolulu, T. H., 29120; \$486.74.

Mrs. Kiku Sugita, P. O. Box 3288, c/o W. F. Dillingham, Honolulu, T. H., 29171; \$238.41.

Tome Yanagihara, 765 Phokukaina Street, Honolulu 13, T. H., 29181; \$3,548.91.

Tatsuo Yamamoto, 644-A Auahi Street, Honolulu, T. H., 29184; \$1,720.67.

Mitsuko Ariki, 1820-C Dole Street, Honolulu, T. H., 13755; \$857.32.

Yasuichi Asari or Haruku Asari, 444 Halemauman Road, Honolulu, T. H., 13756; \$591.18.

Mrs. Asayo Fujiwara, 1313 Kahanu Street, Honolulu 35, T. H., 13760; \$358.18.

Kaichi Kaya, 824 Puuhale Road, Honolulu, T. H., 13770; \$1,278.75.

Itsuzo Kunishige, Box 277, Ewa, Oahu, T. H., 13772; \$298.10.

Jingo Mizokami, guardian of Sumako Mizokami, 2715 Waiaka Road, Honolulu 36, T. H., 13778; \$685.81.

Umeno Momotomi, guardian of Fumiko Momotomi, P. O. Box 106, Wahiawa, Oahu, T. H., 13779; \$219.54.

Umeno Momotomi, guardian of Shigeto Momotomi, P. O. Box 106, Wahiawa, Oahu, T. H., 13780; \$216.53.

Chiyoaka Nishimura, 3132 Harding Avenue, Honolulu 41, T. H., 13782; \$3,445.33.

Masao Okamoto, 2714 Kaaka Street, Honolulu, T. H., 13784; \$1,722.71.

Kalichi Onishi or Teruko Onishi, 4321-A Waiakae Avenue, Honolulu 55, T. H., 13786; \$353.21.

Gihachi Orikasa, 1672 Lusitana Street, Honolulu, T. H., 13787; \$1,911.42.

Fuki Tanno, Waikane, Kaneohe, Oahu, T. H., 13798; \$515.27.

Masa Kaneshima (formerly Maushi Kaneshima), 709-A S. King Street, Honolulu, T. H., 16142; \$1,048.28.

Heizo Nambu, P. O. Box 7, Puhi, Kauai, T. H., 16159; \$512.44.

Hatsuyo Okinaka, Kilauea, Kauai, T. H., 16161; \$407.82.

Herbert M. Tanigawa, Sarah S. Tanigawa, Elsie S. Tanigawa, and Miyoka Tanigawa, 1423 Dillingham Boulevard, Honolulu, T. H., 20874; \$2,511.84.

Arata Fujikawa, 3280-C Round Top Drive, Honolulu, T. H., 29187; \$316.07.

Mrs. Kumayo Hirao, P. O. Box 1162, Honolulu, T. H., 29190; \$1,012.94.

Kasaburo Kawasaki, 913-B Kaheka Lane, Honolulu, T. H., 29193; \$470.42.

Kikuno Nishiyama, 347 Kuakini Street, Honolulu, T. H., 29199; \$343.14.

Kuma Furubayashi, 3137 William Street, Honolulu, T. H., 29851; \$631.73.

Kurajiro Kawamoto, Kipapa, Waipahu, Oahu, T. H., 29855; \$2,119.88.

Koshin Nakama, 3767 Kanaina Avenue, Honolulu, T. H., 29862; \$1,081.29.

Yono Orikasa, 1672 Lusitana Street, Honolulu, T. H., 29866; \$1,005.25.

Koji Date, 1166 Fort Street, Honolulu, T. H., 30329; \$244.52.

Kuma Inoue, 1418 University Avenue, Honolulu 33, T. H., 30336; \$443.66.

Heishin Kaneshiro or Tomi Kaneshiro, Waiahole, Oahu, T. H., 30339; \$224.95.

Kise Arizumi, 1917-B Dudoit Lane, Honolulu 42, T. H., 32327; \$363.97.

Jitsuo Fujiwara, 1230-A Richard Lane, Honolulu 45, T. H., 32330; \$235.00.

H. Shimamura, 1104 Palama Street, Honolulu 7, T. H., 32349; \$466.28.

Motoko Ueda, 1925-A Citron Street, Honolulu, T. H., 32354; \$357.11.

Miyoji Watanabe, P. O. Box 127, Waipahu, Oahu, T. H., 32355; \$533.41.

Chieko Hamada, 1547 Nuuanu Avenue, Honolulu, T. H., 37250; \$239.16.

Sho Komamura, P. O. Box 193, Aiea, Oahu, T. H., 37264; \$1,748.53.

Kelzo Morimoto, 915 Olli Road, Honolulu, T. H., 37274; \$1,418.20.

Michi Moriguchi, 614-A Capt. Cook Avenue, Honolulu 6, T. H., 37275; \$734.55.

Selchiro Tsurumaki or Kin Tsurumaki, 1742 Algaroba Street, Honolulu, T. H., 37300; \$852.25.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9116; Filed, Oct. 14, 1948;
8:51 a. m.]

[Vesting Order 12106]

PHILIP BABEL ET AL.

In re: Debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Philip Babel,

¹ Or Miyomatsu Komamura, deceased.

also known as Philipp Babel, deceased. F-28-29158-E-1.

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

1. That the personal representatives, heirs, next of kin, legatees, and distributees of Philip Babel, also known as Philipp Babel, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations evidenced by three checks drawn by the Comptroller of the Currency on the National Bank of Detroit, Detroit, Michigan, payable to Philip Babel, dated, numbered and in the amounts as set forth below:

Date, Number and Amount

May 26, 1944, Q182414; \$67.87.
Nov. 1, 1940, P148214; \$135.76.
Dec. 7, 1942, R129641; \$35.95.

Said checks representing the fourth, fifth and sixth (final) interest dividends on Claim No. 531856 against the First National Bank of Detroit, Detroit, Michigan, presently in the custody of the Division of Insolvent National Banks, Office of the Comptroller of the Currency, Treasury Department, Washington, D. C., together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid checks, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Philip Babel, also known as Philipp Babel, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Philip Babel, also known as Philipp Babel, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9083; Filed, Oct. 13, 1948; 8:51 a. m.]

[Vesting Order 12108]

WILHELMINE FOX

In re: Stock owned by Wilhelmine Fox, also known as Mrs. Richard Fox. F-28-4514-D-1.

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

1. That Wilhelmine Fox, also known as Mrs. Richard Fox, whose last known address is Mittelstrasse 29, Kohn a-Rhein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Forty (40) shares of \$25.00 par value 7% cumulative preferred class A capital stock of Hackensack Water Company, 4100 Park Avenue, Weehawken, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered A03462, registered in the name of Wilhelmine (Mrs. Richard) Fox, together with all declared and unpaid dividends thereon, and any and all rights of redemption thereunder, and all rights under any outstanding dividend checks,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9084; Filed, Oct. 13, 1948; 8:51 a. m.]

[Vesting Order 12112]

NOBUTAKA IMAMURA

In re: Cash owned by Nobutaka Imamura. F-39-6274.

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

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

2. That the property described as follows: Cash in the sum of \$786.95, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9085; Filed, Oct. 13, 1948; 8:51 a. m.]

NOTICES

[Vesting Order 12115]

JOHANNA NORTHROP

In re: Stock owned by Johanna Northrop. F-28-22588-D-1.

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

1. That Johanna Northrop, whose last known address is Frankfurterstrasse 17, Darmstadt, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of \$100 par value preferred capital stock of the American Car and Foundry Company, 117 Main Street, Flemington, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered 07706, registered in the name of Johanna Northrop, together with all declared and unpaid dividends thereon,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9086; Filed, Oct. 13, 1948;
8:52 a. m.]

[Vesting Order 12117]

KARL UHE

In re: Debts owing to Karl Uhe. F-28-4541-D-1.

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

1. That Karl Uhe whose last known address is Hiddensen 311 B/Detwold, Lippe, Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by five (5) Windermere-92nd Street Corporation, First Mortgage Fee Refunding and Sinking Fund Bonds of \$500 face value each, bearing the numbers D-1224, D-1225, D-1226, D-1227,

and D-1228, registered in the name of Karl Uhe, and any and all rights to demand, enforce and collect the said debts or other obligations, together with any and all rights in, to and under said bonds,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9087; Filed, Oct. 13, 1948;
8:52 a. m.]