THE NATIONAL ARCHIVES

LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 13 NUMBER 182

Washington, Friday, September 17, 1948

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 C. C. C. Corn Bulletin 1]

PART 248—CORN LOANS AND PURCHASE AGREEMENTS

1948 CORN PRICE SUPPORT BULLETIN

This bulletin states the requirements with respect to the 1948 Corn Loan and Purchase Agreement Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). Loans and purchase agreements will be made available on corn produced in 1948 in accordance with this bulletin.

Sec.

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AUTHORITY: §§ 248.201 to 248.223, inclusive, issued under sec. 8, 56 Stat. 767; sec. 5 (a), Pub. Law 806, 80th Cong.; 50 U. S. C. App. 968.

§ 248.201 *Administratoin.* The program will be administered in the field by PMA through State PMA committees, county agricultural conservation committees (hereinafter referred to as county committees), and CCC field offices. The program will be under the general supervision and direction of the Manager of CCC.

Forms will be distributed through the offices of State and county committees. County committees will determine or cause to be determined the quantity and grade of the corn, the amount of the loan or purchase and the value of the corn delivered under the program. All purchase and loan documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to approve forms on behalf of the committee.

The county committee will furnish the borrower with the names of local lending agencies approved for making disbursement on loan documents or with the address of the CCC field office to which loan documents may be forwarded for disbursement.

§ 248.202 *Availability of loans and purchase agreements*—(a) *Area.* (1) Loans shall be available on eligible ear and shelled corn stored on farms in the States and counties for which loan rates will be established in Supplement 1 to this bulletin. Loans will not be available on warehouse-stored corn.

(2) Purchase agreements shall be available on eligible corn in all areas where loans are available and in other States or counties for which rates may be established for the purchase agreement program only.

(b) *Time*—(1) *Loans.* Loans shall be available from time of harvest through June 30, 1949, except in areas designated by State PMA committees as angoumois moth infestation areas where loans will be available only through March 31, 1949. The applicable loan documents must be signed by the producer and delivered or mailed to the county committee not later than such dates.

(2) *Purchase agreements.* Purchase agreements shall be available to producers from time of harvest through June 30, 1949, and must be signed by the producer and delivered or mailed to the county committee not later than such date.

(c) *Source.* Loans shall be made to producers direct by CCC field offices and by approved lending agencies. Purchase agreements shall be made through the offices of county agricultural conservation committees.

§ 248.203 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association,

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

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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corporation, partnership, individual, or other legal entity with which the CCC has entered into a Lending Agency Agreement (Form PMA–97) or other form prescribed by CCC.

§ 248.204 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing corn in 1948, as landowner, landlord, tenant, or sharecropper.

§ 248.205 *Eligible corn.* Eligible corn shall be ear or shelled field corn which was produced in the Continental United States in 1948 and which meets the following requirements.

(a) The beneficial interest in such corn must be in the producer tendering the corn for a loan or purchase and must always have been in him or in him and a former producer whom he succeeded before the corn was harvested; or, such corn must have been purchased by an eligible producer who will operate a different farm in 1949 from that operated in 1948 and the number of bushels being placed under loan or purchased is not in excess of the total number of bushels produced by the producer on the farm operated by him in 1948.

(b) The grade of corn being placed under loan must, except for moisture content, be No. 3 or better, or No. 4 solely on the factor of test weight but otherwise grading No. 3 or better, as defined in the Official Grain Standards of the United States for Corn. The moisture content of the corn being placed under loan shall not exceed the following:

	Percent
Ear corn if tendered for a loan from time of harvest to March 31, 1949, both inclusive	20.5
Ear corn if tendered for a loan from April 1, 1949, to April 30, 1949, both inclusive	17.5
Ear corn if tendered for a loan from May 1, 1949, to June 30, 1949, both inclusive	15.5
Shelled corn if tendered for a loan from time of harvest to June 30, 1949, both inclusive	13.5

(c) The grade of corn delivered under a purchase agreement must be No. 3 or better, or No. 4 solely on the factor of test weight but otherwise grading No. 3 or better, as defined in the Official Grain Standards of the United States for Corn.

(d) Corn must be shelled before delivery is made under the loan or purchase program.

§ 248.206 *Eligible storage.* Under the loan program, eligible farm storage shall consist of farm bins or cribs which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of the corn and afford protection against rodents, other animals, thieves, and weather.

The most important factor to be considered in the safe storage of corn is the crib width. Cribs having a width greater than the recommended width for the county will not be considered as safe for storage of corn offered for a loan unless the moisture content of the corn is less than the applicable permissible moisture content by at least 1 percent for each foot or fraction thereof in excess of the recommended width. In the case of round cribs with center ventilator the distance from the ventilator to the outside wall shall be used as the width, and for round cribs without center ventilator two-thirds of the diameter shall be used as the width. Maximum crib widths for the safe storage of corn are as follows:

ILLINOIS

6-foot area—Lake and McHenry Counties.
7-foot area—Boone, Carroll, Cook, De Kalb, Du Page, Jo Daviess, Kane, Kankakee, Kendall, Lee, Ogle, Stephenson, Whiteside, Will, and Winnebago.
8-foot area—All other counties.

INDIANA

6-foot area—Allen, Elkhart, De Kalb, Kosciusko, La Porte, Lagrange, Marshall, Nobie, Starke, Steuben, Saint Joseph, and Whitley.
7-foot area—Adams, Blackford, Carroll, Cass, Clinton, Delaware, Fayette, Franklin, Fulton, Grant, Hamilton, Hancock, Henry, Howard, Huntington, Jasper, Jay, Lake, Madison, Miami, Newton, Porter, Pulaski, Randolph, Rush, Tippecanoe, Tipton, Union, Wabash, Wayne, Wells, and White.
8-foot area—All other counties.

IOWA

6-foot area—Allamakee, Clayton, Howard, and Winneshiek.
7-foot area—Buchanan, Black Hawk, Bremer, Butler, Cerro Gordo, Chickasaw, Clinton, Delaware, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Hancock, Jackson, Jones, Kossuth, Mitchell, Osceola, Winnebago, and Worth.
8-foot area—All counties not listed in other three areas.
9-foot area—Adams, Cass, Fremont, Harrison, Mills, Montgomery, Page, Pottawattamie, Shelby, and Taylor.

MICHIGAN

6-foot area—All counties.

MINNESOTA

6-foot area—All counties not in 7-foot area.
7-foot area—Brown, Blue Earth, Cottonwood, Faribault, Jackson, Lac Qui Parle, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Rock, Watonwan, Redwood, and Yellow Medicine.

MISSOURI

8-foot area—All counties except those in the 9-foot area.
9-foot area—Andrew, Atchison, Bates, Barton, Buchanan, Cass, Clay, Clinton, De Kalb, Gentry, Holt, Jackson, Jasper, McDonald, Newton, Nodaway, Platte, Vernon, and Worth.

NEBRASKA

8-foot area—Cedar, Dakota, Dixon, Thurston, and Wayne.
9-foot area—All counties not listed in the other two areas.
10-foot area—Adams, Buffalo, Clay, Chase, Custer, Dawson, Dundy, Fillmore, Franklin, Frontier, Furnas, Gosper, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Kearney, Keith, Lincoln, Merrick, Nuckolls, Phelps, Perkins, Redwillow, Saline, Sherman, Thayer, and Webster.

OHIO

6-foot area—Allen, Ashland, Ashtabula, Carrol, Columbinana, Coshocton, Cuyahoga, Crawford, Defiance, Erie, Fulton, Geauga, Hancock, Hardin, Harrison, Henry, Holmes, Huron, Jefferson, Knox, Lake, Lorain, Lucas, Marion, Mahoning, Medina, Morrow, Paulding, Putnam, Portage, Ottawa, Richland, Sandusky, Stark, Seneca, Summit, Trumbull, Tuscarawas, Van Wert, Wayne, Williams, Wood and Wyandot.
7-foot area—All other counties.

SOUTH DAKOTA

7-foot area—Brookings, Deuel, Grant, Minnehaha, Moody, and Roberts.
8-foot area—Bon Homme, Charles Mix, Clark, Clay, Codington, Davison, Day, Douglas, Hamlin, Hanson, Hutchinson, Kingsbury, Lake, Lincoln, McCook, Marshall, Miner, Turner, Union, and Yankton.
9-foot area—All other counties.

WISCONSIN

6-foot area—All counties.

ALL OTHER AREAS

The maximum crib width acceptable as safe storage for corn in all other areas where loans are available shall be the widths as recommended by the county committee of the respective county.

§ 248.207 *Approved forms.* The approved forms consist of the loan and purchase agreement documents which, together with the provisions of this bulletin, govern the rights and responsibilities of the producer. Any fraudulent representation made by a producer in obtaining a loan or purchase agreement or in executing any of the loan or purchase documents will render him subject to criminal prosecution.

Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase documents executed by an administrator, executor, or trustee will be acceptable only where legally valid.

(a) *Farm storage loans.* Approved forms shall consist of the producer's note on CCC Commodity Form A, secured by a chattel mortgage on CCC Commodity Form AA.

(b) *Purchase agreement documents.* The purchase agreement documents shall consist of the Purchase Agreement (Commodity Purchase 1) and Purchase Agreement Settlement (Commodity Purchase 4) signed by the producer and approved by the county committee, and such other forms as may be prescribed by CCC.

(c) *Warehouse receipts.* Corn stored in eligible warehouse storage tendered under a purchase agreement must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(2) Each warehouse receipt must set forth in its written terms that the corn is insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured".

(3) The warehouse receipt and the corn represented thereby may be subject to warehouse charges only from the date of the warehouse receipt or the maturity date of CCC corn loans, whichever is later.

(4) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross weight and grade, test weight, and all special grading factors.

(5) In the case of warehouse receipts issued for corn delivered by rail or barge, CCC will accept inbound weight and inspection certificates properly identified with the corn covered thereby in lieu of the information required by subparagraph (4) of this paragraph. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by licensed grain inspectors.

§ 248.208 *Determination of quantity.* A bushel of ear corn shall be 2.5 cubic feet of ear corn testing not more than 15.5 percent in moisture content. An adjustment in the number of bushels of ear corn will be made for moisture content in excess of 15.5 percent in accordance with the following schedule:

Moisture content (percent)	*Adjustment factor (percent)*
15.6 to 16.5 both inclusive	98
16.6 to 17.5 both inclusive	96
17.6 to 18.5 both inclusive	94
18.6 to 19.5 both inclusive	92
19.6 to 20.5 both inclusive	90
Above 20.5	No loan

A bushel of shelled corn shall be 1.25 cubic feet of shelled corn testing not more than 13.5 percent in moisture content.

§ 248.209 *Determination of dockage.* Since dockage is not a grade factor in the case of corn, the quantity of corn will be determined without reference to dockage.

§ 248.210 *Liens.* The corn must be free and clear of all liens and encumbrances, except for warehouse charges as provided in § 248.207 (c) (3), or, if liens or encumbrances exist on the corn, proper waivers must be obtained.

§ 248.211 *Service fees*—(a) *Loans.* The producer shall pay a service fee of one cent per bushel on the number of bushels placed under loan, or $3.00, whichever is greater. If the quantity of corn delivered in satisfaction of a loan exceeds the quantity of corn placed under loan, a service fee of one cent per bushel shall be charged the producer on the excess quantity delivered.

(b) *Purchase agreements.* At the time the producer signs a purchase agreement he shall pay a service fee of one-half cent per bushel on the number of bushels specified on Commodity Purchase 1 as the maximum quantity he may deliver, or $1.50, whichever is greater.

(c) *No refund of service fees.* No refund of service fees will be made under the loan or purchase program.

§ 248.212 *Set-offs.* A producer who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan or purchase to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lienholders. Indebtedness owing to CCC shall be given first consideration after claims of prior lienholders.

§ 248.213 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum, and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 248.214 *Transfer of producer's equity*—(a) *Loans.* The right of the producer to transfer either his right to redeem the corn under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign his purchase agreement.

§ 248.215 *Safeguarding of the corn.* The producer obtaining a farm-storage loan is obligated to maintain the farm storage structures in good repair, and to keep the corn in good condition.

§ 248.216 *Insurance.* CCC will not require the producer to insure the corn placed under loan; however, if the producer does insure such corn such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the corn involved in the loss.

§ 248.217 *Loss or damage to the corn.* The producer is responsible for any loss in quantity or quality of the corn placed under loan, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer, resulting solely from an external cause other than insect infestation or vermin will be assumed by CCC: *Provided*, The producer has given the county committee immediate notice in writing of such loss or damage: *And provided*, There has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 248.218 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the corn by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 248.219 *Maturity and satisfaction*—(a) *Loans.* Loans mature on demand but not later than September 1, 1949. The producer is required to pay off his loan on or before maturity, or to deliver the mortgaged corn in accordance with the instructions of the county committee. Credit will be given for the total quantity so delivered, provided it was stored in the bin or crib in which the corn under loan was stored, at the settlement value, according to grade and/or quality as set forth in supplement 1. If the settlement value of the corn delivered exceeds the amount of the principal due on the loan, the amount of the excess shall be paid to the producer by sight draft drawn on CCC by the State PMA office. If the settlement value of the corn is less than the amount of the principal due on the loan, the amount of the deficiency, plus interest thereon, shall be paid by the producer to CCC or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. In the event the farm is sold or there is a change of ten-

ancy, the corn may be delivered before the maturity date of the loan upon prior approval by the county committee.

(b) *Purchase agreements.* The producer who signs a purchase agreement (Commodity Purchase 1) shall not be obligated to deliver any corn to CCC. He may deliver any amount up to but not in excess of the number of bushels shown on Commodity Purchase 1. If the producer desires to deliver corn to CCC he shall, within 30 days from September 1, 1949, the maturity date of CCC corn loans, or such earlier date as demand for payment of corn loans may be made, submit warehouse receipts representing eligible corn stored in eligible warehouse storage to the county committee for the quantity of such corn he elects to sell to CCC, but not in excess of the number of bushels on Commodity Purchase 1, or, in the case of corn stored in other than eligible warehouse storage, he shall notify the county committee of his intention to sell and request delivery instructions. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee, determines more time is needed for delivery. Corn stored in other than eligible warehouse storage will be purchased on delivery at points designated by CCC. When delivery is completed payment shall be made by a sight draft drawn on CCC by the State PMA office on the basis of approved Commodity Purchase 4. The producer shall direct on Commodity Purchase 4 to whom payment of the purchase price shall be made.

Eligible corn will be purchased on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and accompanying documents, or, if such corn is delivered to a CCC bin site, on the basis of the weight, grade and quality determinations made by the county committee (in accordance with instructions for the determination of such factors under the loan program) and approved by the producer at the time of delivery.

(c) *Track-loaded corn.* Under the loan and purchase agreement program a loading payment of two cents per bushel will be made to the producer on corn delivered on track at a country point.

§ 248.220 *Removal of the corn under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the corn and sell it either by separate contract or after pooling it with other lots of corn similarly held. The producer has no right of redemption after the corn is pooled, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled corn as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of corn, even though part or all of such pooled commodity is disposed of under such policies at prices less than the current domestic price for such commodity. Any sum due the producer as a result of the sale of the corn or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 248.221 *Release of the corn under loan.* A producer may at any time obtain release of the corn under loan by paying to the holder of the note the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local bank for collection. In such case, where CCC is the holder of the note, the local bank will be instructed to return the note if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial release of the corn prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan and accrued interest represented by the quantity of the corn to be released.

§ 248.222 *Purchase of notes.* CCC will purchase from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit a weekly report to CCC and to the county committees on CCC Commodity Form F, or such other form as CCC may prescribe, of all payments received on producers' notes held by them, and are required to remit promptly to CCC an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the CCC field offices serving the area.

§ 248.223 *CCC field offices.* The CCC field offices and the areas served by them, are shown below:

ADDRESS AND AREA

449 West Peachtree Street NE., Atlanta, 3, Ga.: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

623 South Wabash Avenue, Chicago 5, Ill.: Illinois, Indiana, Iowa, Michigan, Ohio.

1114 Commerce Street, Dallas 2, Tex.: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

417 East Thirteenth Street, Kansas City 6, Mo.: Colorado, Kansas, Missouri, Nebraska, Wyoming.

328 McKnight Building, Minneapolis 1, Minn.: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

67 Broad Street, Room 1304, New York 4, N. Y.: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.

515 Southwest Tenth Avenue, Portland 5, Oreg.; Idaho, Oregon, Washington.

30 Van Ness Avenue, San Francisco 2, Calif.: Arizona, California, Nevada, Utah.

Date program announced: July 20, 1948.

Issued this 14th day of September 1948.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved: September 14, 1948.

FRANK K. WOOLLEY,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 48-8376; Filed, Sept. 16, 1948; 8:51 a m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING OF RATES OF ASSESSMENT FOR 1948–49 SEASON

Notice was published in the FEDERAL REGISTER (13 F. R. 4395), dated July 30, 1948, that consideration was being given to proposals regarding the budget of expenses and the fixing of the rates of assessment for the 1948–49 season under the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 936.202 *Budget of expenses and rates of assessment for the 1948–49 season*—(a) *Rate of assessment for general overhead expenses.* The general overhead expenses necessary to be incurred by the Control Committee and the commodity committees, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of the said committees for the season beginning April 1, 1948, and ending March 31, 1949, both dates inclusive, will amount to $43,960.00, and the rate of assessment to be paid by each handler who handles fruit shall be fourteen mills ($0.014) per hundred pounds of fruit handled by such handler during said season; and such rate of assessment is hereby approved as each such handler's pro rata share of the aforesaid expenses.

(b) *Rate of assessment for additional expenses.* The additional expenses nec-

essary to be incurred, during the aforesaid season, by the respective commodity committees in administering the regulation of shipments of fruit pursuant to sections 3 to 5, both inclusive, of the amended marketing agreement and §§ 936.3 to 936.5, both inclusive, of the amended order, will be as follows:

(1) To be incurred by the Bartlett Pear Commodity Committee: $7,005.00;

(2) To be incurred by the Plum Commodity Committee: $21,020.00;

(3) To be incurred by the Elberta Peach Commodity Committee: $630.00; and

the rate of assessment for such additional expenses to be paid, in accordance with the aforesaid amended marketing agreement and order, by each handler who handles fruit with respect to which regulations are made effective during said season shall be six mills ($0.006) per hundred pounds of Bartlett pears, sixteen mills ($0.016) per hundred pounds of plums, and one mill ($0.001) per hundred pounds of Elberta peaches so handled; and such rate of assessment is hereby approved as each such handler's pro rata share of the aforesaid expenses.

(c) *Effective date.* It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date of this determination until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the respective rates of assessment are applicable to all fresh Bartlett pears, plums, and Elberta peaches shipped during the aforesaid season; (2) shipments of each of these fruits have already commenced; and (3) in order for the aforesaid necessary assessments to be collected, it is essential that the specification of the assessment rates be issued immediately so as to enable the said Control Committee and commodity committees to perform their duties and functions under said amended marketing agreement and order.

As used in this section, the terms "handler," "handle," "fruit," "shipped," and "shipments" shall have the same meaning as is given to each such terms in said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.8)

Done at Washington, D. C., this 13th day of September 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8348; Filed, Sept. 16, 1948; 8:48 a. m.]

TITLE 10—ARMY

Chapter I—Aid of Civil Authorities and Public Relations

TRANSFER AND REVISION OF REGULATIONS

CROSS REFERENCE: For revised regulations formerly contained in this chapter, see Title 34, Chapter V, Parts 501 to 516, *infra*.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC-29 (c)]

PART 19—DEFINITIONS AND STANDARDS OF IDENTITY FOR CHEESE AND CHEESE PRODUCTS

FINAL ORDER WITH RESPECT TO CREAM CHEESE, NEUFCHATEL CHEESE, AND COTTAGE CHEESE; TENTATIVE ORDER WITH RESPECT TO CREAMED COTTAGE CHEESE

In the matter of amending the definitions and standards of identity for cream cheese, neufchatel cheese, cottage cheese, and creamed cottage cheese:

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701; 52 Stat. 1046, 1055; 21 U. S. C. 341, 371) and upon the basis of substantial evidence received at the hearing held pursuant to notice published in the FEDERAL REGISTER of July 3, 1948 (13 F. R. 3749), and upon consideration of proposed findings of fact filed by interested parties which are adopted in part and rejected in part as is apparent from the detailed findings made below, the following order is made:

Findings of fact.[1] 1. The quantity of milk produced in the United States varies from season to season. The highest production occurs in the spring and lowest in the late fall and winter months. During the period of high production there is sufficient milk for all purposes. During the period of low production the demand for fluid milk absorbs such a large proportion of the supply that there is not enough for the manufacture of certain milk products, particularly those utilizing skim milk. (R. 11–21, 24–26, 57, 77, 93, 131, 140–142, 168, 176, 177, 188, 193, 228)

2. The shortage of fluid skim milk has become progressively more acute for the past several years and at times has caused manufacturers of certain foods to discontinue or limit their production. Many manufacturers of cream cheese, neufchatel cheese, cottage cheese, and creamed cottage cheese have attempted to store their necessary raw materials in periods of high milk production for later use, or to utilize milk products shipped from areas of higher milk production. (R. 20, 57–58, 79, 93–94, 144, 160–161, 169–170, 177, 194, 243)

3. Cream with a high milk-fat content can be frozen and shipped or stored satisfactorily. Small amounts of cream have been dried but the dried creams have not been used in cheese making. Milk and skim milk can be concentrated or dried. Concentrated milk and concentrated skim milk are perishable and must be refrigerated, but they can be shipped and stored more economically than fluid milk or skim milk. Dried milk and nonfat dry milk solids are produced in large quantities and are available at all times. It is impracticable to store fluid milk or skim milk for long periods or to ship them for great distances. (R. 21, 58, 59, 84, 172, 177–178, 194, 208–209, 215)

4. The experience of several manufacturers has shown that it is possible to prepare satisfactory cream cheese and neufchatel cheese where nonfat dry milk solids, concentrated skim milk, or concentrated milk (each with sufficient water to reconstitute) has been used in whole or in part to replace the fluid milk and skim milk prescribed by the present definitions and standards of identity for these cheeses. It will be possible to produce cream cheese and neufchatel cheese to satisfy the demand throughout the year if the definitions and standards of identity for these cheeses are amended to permit the use of nonfat dry milk solids, concentrated skim milk, and concentrated milk, reconstituted with water when necessary. (R. 26, 27–28, 29, 96, 106–127, 188–191)

5. Cream which conforms to the definition and standard of identity for "Cream class of food" (21 CFR., Cum. Supp. 18.500) is not rendered a different food by reason of having been frozen and later thawed. No change in the present definitions and standards of identity for cream cheese and neufchatel cheese is necessary to permit the use of the so-called plastic cream and frozen cream. The evidence with respect to dried cream and dried milk was not sufficient to warrant findings that these products as now made can be used to replace cream and milk in the manufacture of cream cheese and neufchatel cheese. (R. 48, 83, 89, 127–128, 172, 184–185, 208–209, 211–213, 255–260)

6. The experience of many manufacturers of cottage cheese has shown that satisfactory cottage cheese can be prepared where nonfat dry milk solids or concentrated skim milk (reconstituted with water) has been used to replace skim milk in whole or in part. It will be possible to produce cottage cheese to satisfy the demand throughout the year if the definition and standard of identity for cottage cheese is amended to provide for the use of these ingredients. (R. 26, 28–29, 43–45, 52–54, 58, 62–63, 95, 98, 108–127, 132–134, 145–150, 153–154, 179–180, 203–208, 233–237)

7. Some witnesses suggested that the definition and standard of identity for creamed cottage cheese be amended to permit using concentrated and dried forms of milk and skim milk (reconstituted with water) in making up the "creaming" fluid used in preparing creamed cottage cheese. Witnesses so testifying either had had only limited experience with actual use of such "reconstituted cream" in preparing creamed cottage cheese or had had no such experience but saw no reason for not so reconstituting "cream" for this purpose. This testimony was not sufficiently substantial evidence to serve as the basis for an order to amend the definition and standard of identity for creamed cottage cheese. Moreover, consumers expect the fluid on creamed cottage cheese to be cream or cream with fluid milk or skim milk, and a "creaming" fluid reconstituted with concentrated or dried milk

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing, which are the basis for these findings.

or skim milk and water would not conform to the identity expected by consumers. (R. 35–36, 45, 48–51, 53, 60, 64, 85–86, 99–102, 116, 121–122, 124–126, 136–138, 150, 157, 160, 179–182, 186, 195–196, 253, 256–259)

Conclusion. Upon consideration of the whole record and the foregoing findings of fact, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definitions and standards of identity for cream cheese, neufchatel cheese, and cottage cheese so that after amendment they are as given below, but that it would not promote honesty and fair dealing in the interest of consumers to amend the definition and standard of identity for creamed cottage cheese.

§ 19.515 *Cream cheese; identity; label statement of optional ingredients.* (a) Cream cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cream cheese contains not less than 33 percent of milk fat and not more than 55 percent of moisture, as determined, respectively, by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940. (These methods appear in the Sixth Edition, 1945, at pages 337 and 336.)

(b) (1) Cream or a mixture of cream with one or more of the dairy ingredients specified in subparagraph (3) of this paragraph is pasteurized and may be homogenized. To such cream or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added, and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or both until it becomes fluid, and it may then be homogenized or otherwise mixed.

(2) In the preparation of cream cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished cream cheese when the milk or skim milk was concentrated or dried.

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are milk, skim milk, concentrated milk, concentrated skim milk, and nonfat dry milk solids. If concentrated milk, concentrated skim milk, or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed.

(4) For the purposes of this section, the term "milk" means sweet milk of cows, "skim milk" means milk from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(c) When an optional ingredient listed in paragraph (b) (2) of this section is present in cream cheese, the label shall bear the statement "---------- Added" or "With Added ----------," the blank being filled in with the word or words "Vegetable Gum" or "Gelatin" or "Algin" or any combination of two or all of these, as the case may be. Wherever the name "Cream Cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.520 *Neufchatel cheese; identity; label statement of optional ingredients.* (a) Neufchatel cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished neufchatel cheese contains not less than 20 percent but less than 33 percent of milk fat and not more than 65 percent of moisture, as determined, respectively, by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940. (These methods appear in the Sixth Edition, 1945, at pages 337 and 336.)

(b) (1) Milk or a mixture of cream with one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or a mixture of concentrated milk with milk or with water not in excess of that removed when the milk was concentrated is pasteurized and may be homogenized. To such milk or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or both until it becomes fluid, and it may then be homogenized or otherwise mixed.

(2) In the preparation of neufchatel cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished neufchatel cheese.

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are milk, skim milk, concentrated milk, concentrated skim milk, and nonfat dry milk solids. If concentrated milk, concentrated skim milk, or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed when the milk or skim milk was concentrated or dried.

(4) For the purposes of this section the term "milk" means sweet milk of cows; "skim milk" means milk from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(c) When an optional ingredient listed in paragraph (b) (2) of this section is present in neufchatel cheese, the label shall bear the statement "---------- Added" or "With Added ----------", the blank being filled in with the word or words "Vegetable Gum" or "Gelatin" or "Algin" or any combination of two or all of these, as the case may be. Wherever the name "Neufchatel Cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.525 *Cottage cheese; identity.* (a) Cottage cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cottage cheese contains not more than 80 percent of moisture, as determined by the method prescribed under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940. (This method appears in the Sixth Edition, 1945, at page 336.)

(b) (1) One or more of the dairy ingredients specified in subparagraph (2) of this paragraph is pasteurized; calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the mix; harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd may be washed with water and further drained; it may be pressed, chilled, worked, seasoned with salt.

(2) The dairy ingredients referred to in subparagraph (1) of this paragraph are sweet skim milk, concentrated skim milk, and nonfat dry milk solids. If concentrated skim milk or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed when the skim milk was concentrated or dried.

(3) For the purposes of this section the term "skim milk" means the milk of cows from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

The effects of curtailed production of fluid milk will be felt by October 1, 1948, and will constitute an emergency condition insofar as the production of cream cheese, neufchatel cheese, cottage cheese, and creamed cottage cheese is concerned. In order to exercise the function of amending definitions and standards of identity for these foods in a due and

timely manner, it is necessary that the order amending such standards be issued promptly. After examination of the record of hearing it is found that no controversy exists between the persons who appeared at the hearing relative to the proposals to amend the definitions and standards of identity for cream cheese, neufchatel cheese, and cottage cheese, and it will promote the purposes of the act to issue a final order without publication of a tentative order. Because of the urgent need of amending the definitions and standards of identity for such cheeses, as appears by the record, it is found that due and timely functions of the Agency, namely, promoting honesty and fair dealing in the interest of consumers, imperatively and unavoidably require the omission of the publication of a tentative order with respect to cream cheese, neufchatel cheese, and cottage cheese.

There was a controversy at the hearing with respect to the use of concentrated milk, dried milk, concentrated skim milk, or nonfat dry milk solids, with water, to be mixed with cream for use in creaming cottage cheese (finding 7). It is found that there is no urgent need for such amendment, and the publication of a tentative order on this subject is in the interest of all concerned.

Wherefore, it is ordered, That the foregoing amendments to the definitions and standards of identity for cream cheese, neufchatel cheese, and cottage cheese become effective on the fifteenth day following publication of this order in the FEDERAL REGISTER; and

It is further ordered, That the proposal to amend the definition and standard of identity for creamed cottage cheese be denied. Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this order in the FEDERAL REGISTER, file with the Hearing Clerk, Federal Security Agency, Office of the General Counsel, Room 3346, Federal Security Building, Fourth Street and Independence Avenue, SW., Washington, D. C., written exceptions to finding 7, or any part thereof, and to the order refusing to amend the definition and standard of identity for creamed cottage cheese. Exceptions shall point out with particularity the alleged errors in finding 7, and in the refusal to amend the definition and standard of identity for creamed cottage cheese, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs should be submitted in quintuplicate.

(Secs. 401, 701, 52 Stat. 1046; 21 U. S. C. 341, 371)

Dated: September 13, 1948.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 48-8353; Filed, Sept. 16, 1948; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter C—The Foreign Service

[Foreign Service Reg. S-49]

PART 102—PERSONNEL ADMINISTRATION

POSITIONS COMPARABLE IN IMPORTANCE TO THAT OF CHIEF OF MISSION

SEPTEMBER 8, 1948.

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to section 502 (a) of the Foreign Service Act of 1946 (60 Stat. 1007), Title 22 of the Code of Federal Regulations, Part 102, § 102.207 is amended to read as follows:

§ 102.207 *Positions comparable in importance to that of chief of mission.* The following positions shall be considered comparable in importance to that of chief of mission within the meaning of section 502 (a) of the Foreign Service Act of 1946:

1. Political Adviser on German Affairs.
2. Political Adviser to Supreme Commander, Tokyo.
3. Political Adviser to Commanding General, Seoul.
4. Consul General, Shanghai.
5. Consul General, Jerusalem.
6. Consul General, Batavia.
7. Deputy Chief of Mission, London.
8. Deputy Chief of Mission, Paris.
9. Deputy Chief of Mission, Moscow.
10. Deputy Chief of Mission, Ottawa.
11. Deputy Chief of Mission, Rome.
12. Deputy Chief of Mission, Rio de Janeiro.
13. Deputy Chief of Mission, Mexico City.
14. Deputy Chief of Mission, Buenos Aires.
15. Deputy Chief of Mission, Nanking.
16. Deputy Chief of Mission, New Delhi.
17. Deputy Chief of Mission, Athens.
18. Chief Inspector for Europe.
19. Chief Inspector for Asia and Africa.
20. Chief Inspector for Western Hemisphere.
21. Counselor of the Department.
22. Director General.
23. Chief of the Inspection Corps.

(R. S. 161, sec. 502, 60 Stat. 1007; 5 U. S. C. 22, 22 U. S. C. 906)

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

Approved: September 8, 1948.

For the Secretary of State.

[SEAL] JOHN E. PEURIFOY,
Assistant Secretary.

[F. R. Doc. 48-8356; Filed, Sept. 16, 1948; 8:49 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter D—Explosives (Including Sheathed Explosives) and Blasting Devices; Tests for Permissibility and Suitability; Fees

[Schedule IF]

PART 15—EXPLOSIVES (INCLUDING SHEATHED EXPLOSIVES) AND BLASTING DEVICES

CONDITIONS UNDER WHICH APPROVAL OF EXPLOSIVES IS GRANTED

Section 15.9 (b) (2), footnote 4 (a) permits certain practices until June 30, 1948, under the conditions there stated. It is now necessary and desirable that the time within which these practices are permitted should be forthwith extended retroactively and the conditions stated more explicitly. For these reasons the notice and procedures prescribed by section 4 of the Administrative Procedures Act (60 Stat. 237, 5 U. S. C. 1003) are impracticable, unnecessary and contrary to the public interest; and this amendment shall become effective as of the date of its approval by the Secretary of the Interior and retroactively to June 30, 1948.

Section 15.9 (b) (2), footnote 4 (a) is amended to read:

[4a] For firing charges singly or in multiple permissible blasting units shall be used. Pending the availability of permissible multiple-shot blasting units, a blasting unit of Type II, Class A, covered by Federal Specification WB411, December 31, 1941 (with or without Amendment 2, June 16, 1945) may be used, provided a bona fide order for a multiple-shot permissible unit can be shown and pending the development of a multiple-shot permissible blasting unit possessing a higher capacity than present 10-shot permissible blasting units, a blasting unit of Type II, Class A, covered by Federal Specification WB411, December 31, 1941 (with or without Amendment 2, June 16, 1945) may be used for multiple firing of more than 10 shots until June 30, 1949; provided, should a permissible multiple-shot blasting unit of higher capacity than 10 shots become available prior to that date, this interim approval may be terminated.

(37 Stat. 681, as amended, sec. 311, 47 Stat. 410; 30 U. S. C. 3, 5, 7; E. O. No. 6611, Feb. 22, 1934)

W. E. RICE,
Acting Director.

Approved: September 3, 1948.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

[F. R. Doc. 48-8354; Filed, Sept. 16, 1948; 8:49 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

TRANSFER AND REVISION OF REGULATIONS

The material contained in Chapter I of Subtitle B, Title 10, is hereby revised and transferred to Chapter V, Title 34, and is redesignated Subchapter A, Parts 501 through 516, as follows:

Part
501 Employment of troops in aid of civil authorities.
502 Relief assistance.
503 Arrest and confinement of persons not subject to military law.
504 Relations with agencies of public contact.
505 Safeguarding technical information.
506 Use of military telegraph lines.
507 Manufacture of decorations.
508 Competition with civilian bands.
509 Secrecy surrounding troop movements.
510 Chaplains.
511 Assistance to relatives and others in connection with deceased personnel.
512 Prisoners.
513 Assistance of creditor by Department of the Army.

Sec.
514 Range regulations for firing ammunition for training and target practice.
515 Regulations for correspondents, technical observers and service specialists accompanying U. S. Army forces in the field.
516 Flags.

PART 501—EMPLOYMENT OF TROOPS IN AID OF CIVIL AUTHORITIES

Sec.
501.1 In general.
501.2 Emergency.
501.3 Command.

AUTHORITY: §§ 501.1 to 501.3, inclusive, issued under R. S. 5297-5299; 50 U. S. C. 201-203.

SOURCE: AR 500-50, 17 Aug. 1948.

§ 501.1 *In general.* (a) The protection of life and property and the maintenance of law and order within the territorial jurisdiction of any State are the primary responsibility of State and local authorities. Intervention with Federal troops pursuant to the provisions of this part will take place only:

(1) After State and local authorities have utilized all of their own forces and are unable to control the situation, or

(2) When the situation is beyond the capabilities of State or local authorities, or

(3) When State and local authorities will not take appropriate action, or

(4) Under the provisions of certain statutes.

(b) Except in cases of imminent necessity falling within the provisions of § 501.2, intervention with Federal troops will take place only when the Department of the Army has generally or specifically so ordered.

(c) The normal channel between the field and the Department of the Army on matters relating to intervention with Federal troops is through the Director of Plans and Operations, General Staff, United States Army, whose office will be open at all times for this purpose. The Director of Plans and Operations will be kept fully informed on all matters relating to such intervention or the possibility thereof.

§ 501.2 *Emergency.* In case of sudden and unexpected invasion, insurrection, or riot, endangering the public property of the United States, or of attempted or threatened robbery or interruption of the United States mails, or of earthquake, fire, or flood, or other public calamity disrupting the normal processes of Government, or other equivalent emergency, so imminent as to render it dangerous to await instructions from the Department of the Army requested through the speediest means of communication available, an officer of the Army in command of troops may take such action, before the receipt of instructions, as the circumstances of the case reasonably justify. Such action, without prior authorization, of necessity may be prompt and vigorous, but should be designed for the preservation of order and the protection of life and property until such time as instructions from higher authority have been received, rather than as an assumption of functions normally performed by the civilian authorities. In any event, the officer taking such action immediately will report his action and the circumstances requiring it to the Department of the Army, through the Director of Plans and Operations, General Staff, United States Army, by the speediest means of communication available, in order that appropriate instructions can be issued at the earliest possible moment.

§ 501.3 *Command.* (a) In the enforcement of the laws, troops are employed as a part of the military power of the United States and act under the orders of the President as Commander in Chief. When intervention with Federal troops has taken place, the duly designated military commander will act to the extent necessary to accomplish his mission. In the accomplishment of his mission, reasonable necessity is the measure of his authority.

(b) Federal troops used for intervention in aid of the civil authorities will be under the command of and directly responsible to their military superiors. They will not be placed under the command of an officer of the State Guard or of the National Guard not in the Federal service, or of any State, local, or Federal civil official; any unlawful or unauthorized act on the part of such troops would not be excusable on the ground that it was the result of an order or request received from any such officer or official.

(c) State Guard or National Guard troops not in the Federal service cannot be commanded by a United States Army officer except with the consent of the State. The commanding general of the army concerned or of the Military District of Washington is responsible to secure, whenever possible, prior undertakings or agreements by State authorities to insure full cooperation of the State Guard or National Guard troops not in the Federal service with the military commander in the affected area in the event of intervention with Federal troops. The employment by the State of its own forces must not interfere with or impede Federal functions or activities.

PART 502—RELIEF ASSISTANCE

Sec.
502.1 Authority for undertaking relief work.
502.2 Personnel, material, and supplies available for relief work.
502.3 Supplies.
502.4 Camps and cantonments.
502.10 Rules and regulations governing parcel post shipments of individual relief packages to Japan, Korea, and the Ryukyus.

AUTHORITY: §§ 502.1 to 502.10, inclusive, issued under R. S. 161; 5 U. S. C. 22 except as noted following section affected.

SOURCE: AR 500-60, 1 Dec. 1939, except as noted following section affected.

§ 502.1 *Authority for undertaking relief work.* Disaster relief will not be undertaken by the Department of the Army without specific authority of Congress unless:

(a) Overruling demands of humanity compel immediate action to prevent starvation and extreme suffering, in which event army area commanders will use personnel and supplies, as placed under their control within their discretion, and will advise The Adjutant General of action taken.

(b) Local resources are clearly inadequate to cope with the situation, in which event the relief measures to be undertaken will be such as the army area commander may deem necessary, subject to the further provisions of the regulations in this part. Local resources as here used comprise all resources available to the respective State and municipal authorities augmented by those available to the Red Cross in the affected areas.

§ 502.2 *Personnel, material, and supplies available for relief work.* (a) For the purposes of emergency relief, all military personnel and military supplies and equipment in the affected army area, with the exception of the National Guard and military supplies and equipment under the control of the governor of any State or Territory, and of general depots of the Department of the Army, will during the continuance of the relief work, and without the issue of formal orders to that effect, pass under the direct control of the army area commander. When a deficiency exists, request for additional personnel, supplies, and material will be submitted to The Adjutant General setting forth in detail the requirements.

(b) With a view to the fullest conservation of military supplies, it is directed that:

(1) The use of troops and the issue of supplies under the conditions set forth herein are authorized during the actual existence of the emergency. The regulations in this part are not to be construed as authorizing assistance during the period of rehabilitation which necessarily follows such catastrophes. Troops will be withdrawn and the issue of supplies stopped at the earliest practicable moment.

(2) Under the circumstances of § 502.1 (b), issue of supplies will be made normally only after the need has been confirmed by the Red Cross under the procedure set forth in the 1938 agreement with the Red Cross approved by the Secretary of the Army and the Chairman of the American National Red Cross.

§ 502.3 *Supplies*—(a) *Not issued to employers.* In no case will relief supplies of any description be issued to employers for their employees.

(b) *Relief limited to those entitled to it.* Care should be taken to see that aid is extended solely to those actually in need of relief, and it must be ascertained not only that the need really exists but that the needy condition is due to the flood, fire, or other catastrophe which made Government aid necessary.

(c) *Reimbursement for losses not authorized.* In no case will Government supplies or funds be used to reimburse sufferers for losses sustained. The Army's mission in the territory affected is to save life and prevent suffering, and not to replace losses.

(d) *Sale.* If the catastrophe is of such a character that no supplies are available except those in possession of the military authorities, such supplies may be sold, in the discretion of the army area commander, at cost to those who are able to pay for same, but such sales must be made under the restrictions heretofore laid

down that the supplies are needed to prevent suffering directly resulting from the catastrophe. The funds received from this source will be deposited with the Treasurer of the United States in accordance with regulations. These sales are here authorized in order to meet unforeseen contingencies but should rarely be necessary.

§ 502.4 *Camps and cantonments.* Whenever conditions permit, sufferers will be assembled in camps, cantonments, or large buildings where proper supervision can be given to the distribution and use of supplies, sanitation, general welfare conditions, and the safeguarding of nonexpendable Government property. If a tent camp is established, it should be arranged and operated substantially as an ordinary military camp with the following modifications.

(a) Tents assigned to families with certain streets reserved for unmarried men and other streets for unmarried women, not assigned to family tents. Ordinarily four persons to a tent.

(b) Sufficient military personnel to operate the camp and enforce police, property, and sanitary regulations.

(c) Cooking arrangements preferably handled by one of the relief organizations, furnishing them, if necessary, with Government stoves and utensils.

(d) Necessary steps will be taken, by the posting of sentries around the camp or by other practicable available means, to prevent the theft of property and to enforce regulations regarding entrance or egress.

§ 502.10 *Rules and regulations governing parcel post shipments of individual relief packages to Japan, Korea, and the Ryukyus*—(a) *Scope of section.* Provided herein are rules under which the Department of the Army will pay ocean freight charges from United States ports to certain foreign ports of entry of relief packages originating in the United States (including its territories and insular possessions) and consigned by an individual by parcel post to an individual residing in Japan, Korea, or the Ryukyus Islands.

(b) *Definition of relief package.* A "relief package" is defined as a gift parcel, containing articles permitted by paragraph (d) of this section to be sent by an individual free of cost to the person receiving it for the personal use of himself or his immediate family.

(c) *Manner of payment of ocean freight charges.* The Department of the Army will reimburse the Post Office Department for the ocean freight charges on relief packages sent by parcel post by an individual on or after August 2, 1948, to the countries listed above, to the extent that the international parcel post rate paid by the sender has been reduced pursuant to regulations of the Post Office Department.

(d) *Limitations of contents of relief packages.* (1) The items which may be included in relief packages are those approved by the Department of the Army and published from time to time in Post Office Bulletins. These items include nonperishable food; clothing and clothes-making materials; shoes and shoe-making materials; mailable medical and health supplies; and household supplies and utensils, if permitted under existing postal regulations.

(2) The combined total domestic retail value of all soap, butter, and other edible fats and oils included in each relief package must not exceed $5.00; and the combined total domestic retail value of all streptomycin, quinine sulfate, and quinine hydrochloride included in each relief package must not exceed $5.00.

(e) *Weight and size limitations.* The maximum weight and dimensions of each relief package sent by parcel post must conform to the limitations established by the Post Office Department for the particular country of destination.

(f) *Identification.* When a relief package is presented for mailing under this section, the words "U. S. A. Gift Parcel" shall be endorsed on the addressee side of the package and also entered on the customs declaration. The use of the words "U. S. A. Gift Parcel" is a certification by the individual mailing the relief package that the provisions of this section have been met.

(g) *Postal regulations.* Information concerning the Post Office regulations should be obtained from the local offices of the Post Office Department with respect to size and weight limitations, customs declaration (Form 2966), dispatch note (Form 2972), and the postage rate applicable for such shipments.

(h) *Import regulations.* Senders of relief packages are reminded that each receiving country has import and customs regulations and that certain items may be subject to import restrictions or duties. Information regarding such import and customs regulations may be ascertained either from the proposed recipient, from the Office of International Trade, Department of Commerce, Washington, D. C., or any of the district offices of the Department of Commerce.

(i) *Saving clause.* The Secretary of the Army and the Postmaster General may waive, withdraw, or amend at any time or from time to time any or all of the regulations contained in this section. [Regs. Aug. 2, 1948, SAOSA] (Pub. Law 793, 80th Cong.)

PART 503—ARREST AND CONFINEMENT OF PERSONS NOT SUBJECT TO MILITARY LAW

§ 503.1 *Persons not subject to military law.* Persons not subject to military law may be placed in arrest or confinement by members of the Military Establishment, as follows:

(a) *General.* All members of the Military Establishment have the ordinary right and duty of civilians to assist in the maintenance of the peace. Where, therefore, a felony or a misdemeanor amounting to a breach of the peace is being committed, it is the right and duty of every member of the military service, as of every civilian, to arrest the perpetrator no matter what his status.

(b) *By members of the guard or of military police.* Members of the guard or of military police may place persons not subject to military law in arrest or confinement when apprehended while in the act of committing a felony or a misdemeanor amounting to a breach of the peace within the limits of military jurisdiction.

(c) *Restraint.* The restraint imposed under the provisions of paragraph (a) or (b) of this section will not exceed that reasonably necessary, nor extend beyond such time as may be required to dispose of the case by orderly transfer of custody to civil authority or otherwise, under the law.

(d) *Ejection.* Persons not subject to military law who are found within the limits of military jurisdiction in the act of committing a breach of regulations, not amounting to a felony or a breach of the peace, may be removed therefrom upon orders from the commanding officer and ordered by him not to reenter. For penalty imposed upon reentrance after ejection see section 45, act of March 4, 1909, as amended by act of March 28, 1940 (35 Stat. 1097, 54 Stat. 80; 18 U. S. C. 97). [AR 600–355, 1 Apr. 1948] (R. S. 161; 5 U. S. C. 22)

PART 504—RELATIONS WITH AGENCIES OF PUBLIC CONTACT

Sec.
504.1 General.
504.2 Definition.
504.3 Responsibility for public relations.
504.4 Public relations operations in the field.
504.5 Department of the Army Public Information Division.
504.6 Public activities by military personnel.

AUTHORITY: §§ 504.1 to 504.6, inclusive, issued under R. S. 161; 5 U. S. C. 22.
SOURCE: AR 600–700, 16 Aug. 1946.

§ 504.1 *General.* (a) Because of the importance of the Military Establishment in the defense and welfare of the Nation and its traditional role of a public servant, it is the responsibility of the Army to insure that the American public is fully and accurately informed concerning the purpose and activities of the Army as well as its place in the American community.

(b) The broad mission of public relations is to maintain close and friendly understanding between the Army and the public through the dissemination of information, the attainment of public recognition, and the maintenance of public confidence in the Military Establishment, to insure efficient and adequate military security for the United States.

§ 504.2 *Definition.* Public relations is defined as any planned program or procedure which will elicit public understanding and good will. It includes continuous dissemination of information to the public, participation in community life, and a line of conduct by uniformed personnel which will contribute to public understanding and appreciation of the military service.

§ 504.3 *Responsibility for public relations.* (a) The fostering of proper public relations is a responsibility of command, extending through all echelons and ranks. All members of the Army are representatives of the service before the public and share that responsibility in their conduct.

(b) Commanders of all echelons, units and military installations are charged

with the conduct of public relations within their jurisdiction.

(c) The Signal Corps and the Department of the Air Force will maintain the official pictorial files of their departments appropriate to their respective activities.

(d) The Department of the Army Public Information Division is the agency designated to deal with the public on matters of concern to the Army as a whole. The United States Air Force is authorized to deal with the public in purely air matters in accordance with the broad over-all policies established by the Department of the Air Force. Subject to established policies and regulations governing the security of military information as promulgated by the Director of Intelligence, United States Army General Staff, the Public Information Division initiates policies which, upon approval, will guide the conduct of public relations with lower echelons and in the field.

§ 504.4 *Public relations operations in the field.* (a) A public relations officer will be appointed to the staff of each post, camp, or station and to the staffs of regiments, air force groups, and equivalent units or higher commands. Public relations officers of posts, camps, stations, and units larger than regiments will have the status of special staff officers. Wherever conditions permit this should be their principal duty. Appointments will be made by unit and installation commanders.

(b) Subject to the supervision of the commanding officer, and in consonance with approved security policy, the duties of a public relations officer include the following:

(1) Advice to the commanding officer on public relations matters, particularly on relations between the command and the nearby communities, but excluding functions of representatives of the Civil Affairs Division and other military Government agencies.

(2) Liaison with civilian groups, including the dissemination of information pertaining to the command to local information media.

(3) Review, under established policies, of material for dissemination to the public and of material for publication in unit and post newspapers.

(4) Reception of all representatives of local and national information media and assistance to them in obtaining desired material relating to the command.

(c) On posts where two or more military units or activities are situated, public relations responsibility will rest with the senior permanent commander stationed there. All public relations activities under his jurisdiction will be coordinated as he may direct.

(d) Direct communication between public relations offices regardless of command channels is authorized to expedite the exchange of information. Such communication, for the purpose of coordination and mutual assistance, in no way infringes upon the responsibility and authority of commanders.

§ 504.5 *Department of the Army Public Information Division.* (a) The Department of the Army Public Information Division will initiate policies to govern the conduct of public relations within lower echelons and in the field. All agencies dealing with public relations and related activities will operate under the policies laid down by the Department of the Army.

(b) The Public Information Division, consisting of the Chief, Public Information Division, and assigned personnel, will function under the supervision of the Chief of Information, Department of the Army. Policies initiated by the division will be approved by the Chief of Information prior to publication as Department of the Army policies.

(c) Material of general interest to the public emanating from the Department of the Army will be released through the Public Information Division unless other provision is made by the division.

(d) To accomplish its mission the Public Information Division must have timely knowledge of Department of the Army plans and actions. To this end each staff division, service, and major command will, as a general rule, make available all information desired by the Chief, Public Information Division. When, in the opinion of the head of the division, chief of service, or major commander, information should be withheld in the national interest, decision by higher authority will be obtained. Release of information obtained from any Department of the Army agency upon request will be released only after coordination with originating agency.

(e) Direct communication is authorized between the Public Information Division and commanders of posts, camps, stations, installations, field and oversea commands on matters pertaining to public relations.

§ 504.6 *Public activities by military personnel.* (a) Members of the Army of the United States usually appear before the public in an official or semiofficial capacity and so contribute to the impression formed by the public. Consequently, care will be taken to differentiate between personal ideas and opinions, and official plans and purposes. Furthermore, their military status limits the extent to which members of the Army may, with propriety, make public pronouncements on political, diplomatic, legislative, administrative measures, and on matters the treatment of which tends to prejudice discipline, to involve superior officers in controversy, to interpret official publications, or to define military procedure.

(b) Within the bounds of security and propriety the writing of articles, books, and other related material intended for publication, and the engaging in public and private discussions on appropriate occasions, by officers and enlisted men, on topics of military, professional, or general interest concerning the Army, or in the interest of the national defense, are authorized and desirable.

(c) Literary activities of military personnel not covered by paragraphs (a) and (b) of this section are limited only by the dictates of propriety and good taste. For additional references dealing with public activities of military personnel see § 513.1 of this chapter.

PART 505—SAFEGUARDING TECHNICAL INFORMATION

Sec.

505.1 Definitions.
505.2 Right to possess classified military information.
505.3 Loss or subjection to compromise.
505.4 Photographs or other reproductions of classified matter.
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505.6 Dissemination of classified military information.
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505.9 Dissemination of classified technical information.
505.10 Invitations for bids and contracts.
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505.15 Release of information or sale of matériel.
505.16 Classification of visitors.
505.17 Authority for admission of visitors.
505.18 Responsibility of commanding officer, Army representative, or inspector regarding admission of visitors.
505.19 Responsibility of Government contractors regarding admission of persons and visitors.
505.20 Restricted areas.
505.21 Reserved areas; establishment.

AUTHORITY: §§ 505.1 to 505.21, inclusive, issued under R. S. 161; 5 U. S. C. 22.

SOURCE: AR 380–5, 15 Aug. 1946.

§ 505.1 *Definitions* — (a) *Classified military information.* Classified military information is military information which requires grading to indicate the degree of precaution necessary for its safeguarding.

(b) *Documents.* Any form of recorded information. The term "document" includes printed, mimeographed, typed, photostated, and written matter of all kinds; charts, maps, relief maps, photomaps, and aerial photographs and mosaics; drawings, sketches, notes, and blueprints, or photostatic copies thereof; photographs and photographic negatives; recorded engineering data; correspondence and plans relating to research and development projects; and all other similar matter.

(c) *Engineering data.* The term "engineering data" comprises drawings, blueprints, photostats, photographs, mathematical calculations, formulas, processes, and all similar items that can be reduced to documentary form.

(d) *Foreign government.* The term "foreign government" includes any recognized or nonrecognized government and any faction or body of insurgents within a country with which the United States is at peace.

(e) *Matériel.* Any article, substance, or apparatus. The term "matériel" comprises military arms, armament, equipment, and supplies of all classes, both complete and in process of development and construction, models that show features in whole or in part, design, mockups, jigs, fixtures, and dies, and all other components or accessories of military equipment.

(f) *Photomap.* A reproduction of a photograph or mosaic upon which grid

lines, marginal data, and place names may be added.

(g) *Technical information.* "Technical information" shall be deemed to include information on weapons and equipment, including instructions on maintenance and operation and any descriptive matter or components. It further includes means of manufacture, techniques, and processes of weapons and equipment, together with information pertaining to the various sciences relating to weapons and equipment and to direct and indirect measures which may be employed in warfare. Information of a strategic or tactical nature is specifically excluded from the meaning of this term as are "user" aspects such as functioning and general instructions for tactical use and employment.

(h) *Troop movements.* The term "troop movements" applies to the moving of units.

(i) *Visitor.* As used in this part a visitor is any person admitted to a Government or civilian establishment or area in which classified work or project is being conducted for the Department of the Army except:

(1) A person employed on the work or project, or

(2) A person directly and officially concerned with the work or project.

§ 505.2 *Right to possess classified military information*—(a) *Dissemination of classified matter.* No person is entitled solely by virtue of his grade or position to knowledge or possession of classified matter. Such matter is entrusted only to those individuals whose official duties require such knowledge or possession.

(b) *Responsibility.* The safeguarding of classified military information is the responsibility of all military personnel, civilian employees of the Department of the Army, and of the management and employees of all commercial firms engaged in classified work or projects for the Department of the Army. Classified military information will be disclosed only to military or civilian personnel having a legitimate interest therein.

§ 505.3 *Loss or subjection to compromise.* Any person in the military service or in its employ who may have knowledge of the loss or subjection to compromise of top secret, secret, confidential, or registered documents, or articles of matériel, or restricted codes or ciphers will promptly report that fact to the custodian of the document or matériel who, in turn, will notify the proper commanding officer. The proper commanding officer will notify the office responsible for its issue by the fastest means available of the loss or subjection to compromise of all top secret, secret, or registered items, or confidential plans, weapons, or equipment of vital importance to current or future operations, and will then make a thorough investigation of the circumstances, fix the responsibility, and send to The Adjutant General through military channels a report with his recommendations in the case.

§ 505.4 *Photographs or other reproductions of classified matter.* Photographs or other reproductions of classified features of military equipment or of other classified items will be made by members of the military service, by civilian employees of the Department of the Army or by civilians specifically authorized by proper authority to photograph or reproduce such classified matter, only when necessary in the conduct of their official duties. Agencies of the Department of the Army may have such materials developed, printed, processed, or otherwise reproduced in commercial facilities if adequate government facilities are not available, but in such event are responsible to insure that the material is safeguarded at such facilities in accordance with the provisions of this part.

§ 505.5 *Requests for military information.* (a) All requests from private individuals, firms, or corporations and Federal or State agencies or departments for classified military information (except those requests defined under paragraphs (b) and (c) of this section) are subject to policies established by the Director of Intelligence, General Staff, United States Army.

(b) (1) Exchanges of classified or unclassified military information, other than technical information, with foreign nationals will be made only through or with the express permission of the Director of Intelligence, General Staff, United States Army.

(2) Exchanges of classified or unclassified technical information with foreign nationals will be made in accordance with existing Department of the Army and Air Force instructions issued on this subject.

(c) Applications for information or records compiled and furnished at the request of the Department of the Army for its use in the assurance of adequate provision for the mobilization of matériel and industrial organizations essential to wartime needs will be referred to the Under Secretary of the Army, for necessary action. The service of any process or subpoena for the production of any such record will be reported immediately by the person on whom it is served to the United States attorney for the district in which the service is made and, at the same time, direct to the Under Secretary of the Army.

§ 505.6 *Dissemination of classified military information.* When classified military information is disseminated under the provisions of this part to persons not subject to military law, they will be informed that it affects the national defense of the United States within the meaning of the Espionage Act and that its transmission to an unauthorized person is prohibited.

§ 505.7 *Responsibility for safeguarding technical information.* (a) Chiefs of technical services engaged in the preparation of plans, research, and development work, or new design, test, production, procurement, storage, or use of classified matériel are responsible for the promulgation of such additional instructions as may be required for the safeguarding of information in the offices, establishments, laboratories, shops, or Army posts under their jurisdiction.

(b) All top secret, confidential, or restricted models, exhibits, dies, machines, and other similar items which are to be loaned, leased, or given to a commercial organization will be properly marked to indicate classification when practicable. If such marking is impracticable, the commercial organization will be specifically notified in writing of the classification of such items and of the pertinent provisions of the Espionage Act.

§ 505.8 *Classification of information from commercial firms.* Information obtained from civilian manufacturers concerning proprietary processes will be classified as confidential unless otherwise authorized by the firm concerned.

§ 505.9 *Dissemination of classified technical information.* Classified information concerning technical projects or developments may be imparted only to those individuals whose official duties require such knowledge or possession, and to accredited representatives of foreign nations in accordance with the provisions of § 505.5 (b).

§ 505.10 *Invitations for bids and contracts.* Prior to furnishing a prospective bidder, subbidder, contractor, or subcontractor with drawings, specifications, or other pertinent information concerning any project or projects of a top secret, secret, confidential, or restricted nature and annually thereafter so long as such documents, etc., are in his custody, clearance will be obtained in accordance with separate letter instructions and a general secrecy agreement will be signed by the individual or by a responsible officer on behalf of the firm or corporation concerned.

§ 505.11 *Consultation with responsible manufacturers.* The commanding officers of arsenals and depots and other officers engaged in work on Government contracts are authorized to consult with all interested manufacturers or their representatives, inventors, and other persons concerning technical matters in which they have a legitimate interest. They will, however, inform all such persons of the classification of the projects, works, and developments.

§ 505.12 *Responsibility of Army representatives or inspectors.* (a) The Army representatives or inspectors of the technical service are the local representatives of the Department of the Army and will take the necessary measures to insure the safeguarding of classified information or projects in the hands of the contractors or subcontractors or in process of manufacture in their plants.

(b) Army representatives or inspectors will advise contractors or subcontractors as to their responsibilities and the practical measures to be taken to safeguard top secret, secret, confidential, or restricted matters, and will act favorably, if practicable, on any suggestion or request of the company tending to preserve secrecy. If at any time conditions at any plant, or any action of a company or its employees, jeopardize the security of classified matter pertaining to the

Department of the Army or violate the provisions of the Espionage Act, the Army representative or inspector will request the contractor or subcontractor to take prompt remedial action. If adequate precautionary measures are not taken immediately, he will report promptly to the chief of the technical service concerned and, if the situation requires, to the commanding general of the service command in which the item is in process of manufacture.

(c) When Army and Navy inspectors are on duty at the same plant, the Army inspector will coordinate all security measures with the Navy inspector in order to avoid conflicting demands upon contractors.

§ 505.13 *Responsibility of Government contractors.* (a) A private individual, firm, or corporation which enters into a contract to engage in technical work for the Department of the Army becomes responsible in matters within his or its control for the safeguarding of all top secret, secret, confidential, or restricted matters that may be disclosed or that may be developed in connection therewith. A clause to this effect will be included in such a contract, but its omission will not release the contractor from his responsibility under the Espionage Act and other pertinent laws.

(b) Contractors are responsible that all classified projects allotted to subcontractors or agents are fully protected by a similar agreement.

(c) Whenever for any reason a contract agreement or subcontract has been made which does not include a security clause but later is found to involve top secret, secret, confidential, or restricted matter, the technical service concerned will take the necessary steps to insure that the project or work is properly classified and that the contractor, agent, or subcontractor is informed of the classification and of his responsibility in the matter.

§ 505.14 *Public display of classified matériel.* (a) Commanding officers are responsible that all classified parts, components, or features of matériel are properly safeguarded during maneuvers, drills, parades, ceremonies, assemblages, demonstrations, or exhibitions, or exhibitions open to the general public.

(b) (1) Photographs of equipment while in process of development or those revealing processes of manufacture are prohibited unless authorized by the chief of technical service concerned. After an article of equipment has been issued to combat units, release of photographs is permissible unless specifically prohibited by the instructions issued therewith.

(2) Requests for permission to take photographs of classified matériel, projects, or processes of manufacture will be referred to the Department of the Army through the proper chief of technical service. If authority is granted, it will be with the understanding that the resulting photographs will be submitted to the Department of the Army for review prior to release.

§ 505.15 *Release of information or sale of matériel.* Domestic sale, divulging information in connection with negotiations for foreign sale, and foreign manufacture of items of Army and Navy matériel and equipment are not permitted unless the Army and Navy Departments are agreed that military secrecy is not compromised thereby.

§ 505.16 *Classification of visitors*—(a) *Foreign nationals.* For the purpose of §§ 505.1 to 505.21, inclusive, the term "foreign nationals" includes all persons not citizens of the United States, and citizens of the United States while a representative, official, or employee of a foreign government, firm, corporation, or individual.

(b) *United States citizens.* All citizens of the United States not included in paragraph (a) of this section.

§ 505.17 *Authority for admission of visitors*—(a) *General.* Correspondence and communications relating to visits will be routed direct between the various offices concerned.

(b) *Foreign nationals.* (See § 505.16 (a).)

(1) Subject to the approval of the facility concerned, foreign nationals may be authorized by local authority to visit commercial facilities provided no classified work or project is shown or discussed.

(2) Foreign nationals may be admitted to military installations for social purposes, for activities open to the general public, and in connection with emergency landings, by authority of the commanding officer provided no classified features are shown or discussed.

(3) Foreign nationals may be admitted to Government facilities; military installations except as provided in subparagraph (2) of this paragraph; and commercial facilities where classified work, projects or features will be shown or discussed, only on written authority of the Director of Intelligence, General Staff, United States Army.

(4) Application for visits which require Department of the Army authorization will be made through the appropriate diplomatic representatives, except in the case of foreign nationals employed by citizens of the United States or by firms or corporations owned or controlled by citizens of the United States for whom applications will be submitted by their employers, approved by the commanding officer or management of the facility to be visited, and forwarded with the recommendation of the chief of the technical service or appropriate commanding general of the army concerned to the Director of Intelligence, General Staff, United States Army, who will secure the recommendation of the Navy Department. Applications submitted through either of the channels described above will include the following information:

(i) Name in full.

(ii) Official title or position.

(iii) Name of plant or plants, posts, camps, or airfields to which admission is desired.

(iv) Date of visit or dates between which visits are desired.

(v) Purpose of visit.

For foreign nationals employed by citizens of the United States or by firms or corporations owned or controlled by citizens of the United States the following additional information will be required:

(vi) Nationality.

(vii) Length of service with present employer.

(5) Prior to authorizing a visit to a Department of the Army installation or to a commercial facility where classified work, projects, or features will be shown or discussed, the Director of Intelligence, General Staff, United States Army, will secure the recommendations of the Navy Department and the chief of the technical service concerned.

(c) *United States citizens.* Subject to the approval of the commanding officer or the contractor, United States citizens, except those representing a foreign government, firm, or corporation, may be admitted to Department of the Army or commercial manufacturing establishments engaged on classified work or projects under the following conditions:

(1) Casual visitors may be admitted provided no classified work or project is shown or discussed.

(2) Representatives of other United States agencies, manufacturers, or their representatives, engineers, and inventors cooperating in Department of the Army work and having a legitimate interest therein may be shown such works or projects as are considered necessary and desirable by the responsible chief of technical service. Authority for admission will be in writing.

(3) Accredited reporters, photographers, and other representatives of publicity agencies may be admitted to Department of the Army installations or manufacturing establishments engaged on work for the Department of the Army, provided classified matter, projects, or processes of manufacture are not shown or discussed with them.

§ 505.18 *Responsibility of commanding officer, Army representative, or inspector regarding admission of visitors.* The commanding officer of a military establishment or the Army representative or inspector at a commercial establishment is the local representative of the Department of the Army in all matters regarding the admission of visitors. If, in his opinion, the situation at the time makes the admission of a visitor inadvisable, he is empowered to postpone the visit and request instructions from the office which authorized it.

§ 505.19 *Responsibility of Government contractors regarding admission of persons and visitors.* (a) Contractors or subcontractors engaged in work for the Department of the Army must place such restrictions on the movements of persons employed or entering their plants or offices as will give adequate security to top secret, secret, confidential, or restricted matters in their possession. In view of the wide differences in organization, arrangement, and physical makeup of individual plants, no specific rules are practicable. Therefore, local conditions at the plant and the classification of the project will determine the security measures to be adopted.

(b) The following general procedure in regard to visitors at establishments of plants engaged in classified projects

for the Department of the Army is prescribed:

(1) Visitors will be accompanied during their stay at the plant by the inspector or Army representative, a member of his office, or some responsible person who is specifically informed as to the necessary limitations or restrictions, the scope of the visit, and the information which may be furnished.

(2) Unless specifically authorized by the authorities mentioned in § 505.17, visitors will not be allowed in any shop, laboratory, drafting room, section of a plant where top secret, secret, confidential, or restricted matériel is located or where classified work is in progress, nor will they be permitted to take photographs.

(e) Department of the Army contractors will submit to the commanding general of the army or chief of technical service, whichever is appropriate, immediately upon completion of the visit, a report of all visitors, except United States citizens, who have gained information concerning the classified work or projects. The reports will include the following information:

(1) Name, official position, and nationality.

(2) Authority for visit.

(3) Matters in which the visitors showed the greatest interest.

(4) General nature of questions asked.

(5) Expressed object of the visit.

(6) Estimate of the real object of the visit.

(7) General estimate of ability, intelligence, and technical knowledge of the visitor and his proficiency in the English language.

(8) A brief list of what was shown and explained.

§ 505.20 *Restricted areas*—(a) *Designation.* The commanding officer of a military reservation, post, camp, station, or installation is responsible for the designation and proper safeguarding of restricted areas in his military reservation, post, camp, station, or installation. If local conditions dictate, he will mark all ordinary entrances or approaches to such areas with a sign reading as follows:

WARNING

RESTRICTED AREA

It is unlawful to enter within this ------ ---------- without written
(Area, building, etc.)
permission of ----------
(Authority)

(b) *Procedure in case of violation.* (1) The commanding officer of a military reservation, post, camp, station, or installation will cause any person not subject to military law who enters a restricted area or building to be detained, warned of his rights, and interrogated by proper authority. If it is a first offense and there is no evidence of deliberate intent, the offender may be warned against repetition and released upon the surrender of any unlawful photograph, sketch, picture, drawing, map, or graphic representation in his possession. Otherwise the offender will be delivered without unnecessary delay to the nearest United States marshal with a written statement of the facts, the names and addresses of the witnesses, and such pertinent exhibits as may be available.

(2) When an investigation reveals that a person not subject to military law has entered such a restricted area or building, custody of the individual not having been effected, the commanding officer will promptly forward in writing to the nearest United States district attorney a report of all the facts, including the names and addresses of the witnesses.

(3) A report will be made through military channels to the commanding general of the service command of each case brought to the attention of civil authority and will include a brief of all the facts and copies of all pertinent communications.

§ 505.21 *Reserved areas; establishment.* Areas reserved for military or national defense purposes, admittance to which is either restricted or prohibited, are set apart by Executive order of the President of the United States or by order of the Secretary of the Interior.

PART 506—USE OF MILITARY TELEGRAPH LINES

Sec.
506.1 False or forged messages.
506.2 Using or appropriating information by agents, operators, or employees.
506.3 Fraudulent attempts to obtain information by persons not connected with any telegraph company.
506.4 Bribing agents, operators, or employees.

AUTHORITY: §§ 506.1 to 506.4, inclusive, issued under R. S. 161; 5 U. S. C. 22.
SOURCE: AR 105-40, 17 July 1942.

§ 506.1 *False or forged messages.* No agent, operator, or employee in any telegraph office, or other person, shall, knowingly and willfully, send by telegraph to any person or persons any false or forged message purporting to be from such telegraph office, or from any other person, or shall willfully deliver or cause to be delivered to any person any such message, falsely purporting to have been received by telegraph, nor shall any person or persons furnish or conspire to furnish, or cause to be furnished, to any such agent, operator, or employee, to be sent by telegraph or to be so delivered, any such message, knowing the same to be false or forged, with the intention to deceive, injure, or defraud any individual, partnership, or corporation, or the public.

§ 506.2 *Using or appropriating information by agents, operators, or employees.* No agent, operator, or employee in any telegraph office shall, in any way, use or appropriate any information derived by him from any private message or messages passing through his hands and addressed to any other person or persons, or in any other manner acquired by him by reason of his trust as such agent, operator, or employee, or shall trade or speculate upon any such information so obtained, or in any manner turn or attempt to turn the same to his account, profit, or advantage.

§ 506.3 *Fraudulent attempts to obtain information by persons not connected with any telegraph company.* No person not connected with any telegraph company shall, by means of any machine, instrument, or contrivance, or in any other manner, willfully and fraudulently read or attempt to read any message or learn the contents thereof while the same is being sent over any telegraph line, or shall willfully and fraudulently or clandestinely learn or attempt to learn the contents or meaning of any message while the same is in any telegraph office, or is being received thereat, or is sent therefrom, or shall use or attempt to use, or communicate to others, any information so obtained by any person.

§ 506.4 *Bribing agents, operators, or employees.* No person shall, by the payment or promise of any bribe, inducement, or reward, procure or attempt to procure any telegraph agent, operator, or employee to disclose any private message, or the contents, purport, substance, or meaning thereof, or shall offer to any such agent, operator, or employee any bribe, compensation, or reward for the disclosure of any private information received by him by reason of his trust as such agent, operator, or employee, or shall use or attempt to use any such information so obtained.

PART 507—MANUFACTURE OF DECORATIONS

Sec.
507.1 Statutory authority.
507.2 Authority to sell.
507.3 Authority to manufacture.
507.4 Articles authorized for manufacture and sale.
507.5 Violations and penalties.
507.6 Government contracts and agreements.
507.7 Possession and wearing.
507.8 Reproductions.

AUTHORITY: §§ 507.1 to 507.8, inclusive, issued under 42 Stat. 1286, as amended, secs. 1, 2, 47 Stat. 342, as amended; 10 U. S. C. 1425, 18 U. S. C. 76a, 76b.
SOURCE: AR 600-90, 3 July 1946.

§ 507.1 *Statutory authority.* (a) That hereafter the wearing, manufacturing, or sale of the congressional medal of honor, distinguished-service cross, distinguished-service medal, distinguished-flying cross, soldier's medal, or any other decoration or medal which has been, or may be, authorized by Congress for the military forces of the United States, or any of the service medals or badges which have been, or may hereafter be, awarded by the Department of the Army, or the ribbon, button, or rosette of any of the said medals, badges, or decorations, of the form as is or may hereafter be prescribed by the Secretary of the Army, or of any colorable imitation thereof, is prohibited, except when authorized under such regulations as the Secretary of the Army may prescribe.

Any person who knowingly offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding $250 or by imprisonment not exceeding six months, or by both such fine and imprisonment. (42 Stat. 1286, as amended; 10 U. S. C. 1425)

(b) That hereafter the manufacture, sale, or possession of any badge, identification card, or other insignia, of the design prescribed by the head of any department or independent office of the United States for use by any officer or

subordinate thereof, or of any colorable imitation thereof, or the photographing, printing, or in any other manner making or executing any engraving, photograph, print, or impression in the likeness of any such badge, identification card, or other insignia, or of any colorable imitation thereof, is prohibited, except when and as authorized under such regulations as may be prescribed by the head of the department or independent office of which such insignia indicates the wearer is an officer or subordinate.

Any person who offends against the provisions of this act shall, upon conviction, be punished by a fine not exceeding $250 or by imprisonment for not exceeding six months, or by both such fine and imprisonment.

§ 507.2 *Authority to sell.* No certificate of authority is required to sell articles listed in § 507.4 (a).

§ 507.3 *Authority to manufacture.* A certificate of authority to manufacture articles listed in § 507.4 (a) will be granted upon application to The Quartermaster General, Washington 25, D. C., only upon agreement in writing by the applicant to abide by the following provisions:

(a) So far as the applicant manufactures articles pertaining to Department of the Army decorations, service medals, badges, service ribbons, insignia, lapel buttons, and similar items authorized by the Department of the Army, such articles will meet the specifications prescribed or authorized by the Secretary of the Army.

(b) The certificate of authority will be valid for 3 years from date of issuance. Application for a renewal must be filed with the Quartermaster General, Washington 25, D. C., at least 60 days prior to expiration date of the existing certificate.

(c) The certificate of authority will be posted conspicuously at all times in the place of business.

(d) The certificate is valid only for the individual, firm, or corporation indicated and at the address stated thereon., Any change in name or address will require issuance of a new certificate; and such change will be reported immediately to The Quartermaster General.

§ 507.4 *Articles authorized for manufacture and sale.* (a) A certificate of authority will grant permission to manufacture:

(1) Service ribbons pertaining to Department of the Army decorations and service medals.

(2) Miniature replicas of decorations and service medals including miniature service ribbons.

(3) Replicas of decorations and service medals for grave markers only (to be at least twice the size as prescribed for decorations and service medals).

(4) Oak-leaf clusters, service stars, arrowheads, V-devices, and clasps, both regulation and miniature sizes.

(5) Rosette for Medal of Honor and lapel buttons pertaining to decorations and service medals.

(6) Lapel buttons indicating military service.

(7) Badges and bars, both miniature (where authorized) and regulation sizes.

(8) Distinguished unit badge, fourragère, and orange lanyard.

(9) General Staff, United States Army, identification.

(10) All authorized insignia.

(b) Variations from the prescribed specifications, forms, and sizes of articles enumerated in paragraph (a) of this section are not permitted without prior approval in writing by the Secretary of the Army. The manufacturer must obtain the standard specifications from the Commanding General, Philadelphia Quartermaster Depot, Philadelphia, Pennsylvania.

(c) Manufacture and/or sale of regulation size decorations and service medals is prohibited.

(d) Designs or likenesses of decorations, service medals, badges, and service ribbons will not be incorporated in articles manufactured for public sale.

(e) Designs or likenesses of insignia only may be incorporated in articles manufactured for public sale provided that such designs have been approved in writing by the Secretary of the Army. In the case of the Honorable Service Lapel Button, a general exception is made to permit the incorporation of that design in articles manufactured for public sale: *Provided*, That such articles are not suitable for wear as lapel buttons or pins.

§ 507.5 *Violations and penalties.* A certificate of authority to manufacture will be revoked by The Quartermaster General upon proof of intentional violation by the holder thereof of any of the provisions of this part. Issuance of a certificate of authority to manufacture will be refused upon proof of a violation of the regulations in §§ 507.1 to 507.8 by the applicant. Such violations are subject also to the penalties prescribed in the acts of Congress (see § 507.1). A repetition or continuation of a violation after official notice thereof will be deemed prima facie evidence of intentional violation.

§ 507.6 *Government contracts and agreements.* The provisions of this part do not affect contracts for manufacture and sale to the United States Government.

§ 507.7 *Possession and wearing.* (a) The wearing of any decoration, service medal, badge, service ribbon, lapel button, or insignia prescribed or authorized by the Department of the Army by any person not properly authorized to wear such device or their use to misrepresent the identification or status of the person by whom worn is prohibited. Any person who offends against this provision is subject to punishment as prescribed in § 507.1.

(b) Mere possession by a person of any of the articles prescribed in § 507.1 (except identification cards) is authorized provided such possession is not used to defraud or misrepresent the identification or status of the individual concerned.

(c) Articles specified in § 507.1 or any distinctive parts (including suspension ribbons and service ribbons) or colorable imitations thereof will not be used by any organization, society, or other group of persons without prior approval in writing of the Secretary of the Army.

§ 507.8 *Reproductions.* (a) The photographing, printing, or in any other manner making or executing any engraving, photograph, print, or impression in the likeness of any decoration, service medal, badge, service ribbon, lapel button, insignia, or other device or the colorable imitation thereof of a design prescribed by the Secretary of the Army for use by members of the Army is authorized provided such reproduction does not bring discredit upon the military service, and further, is not used to defraud or to misrepresent the identification or status of an individual, organization, society, or other group of persons.

(b) The use for advertising purposes of any engraving, photograph, print, or impression of the likeness of any Department of the Army decoration, service medal, badge, service ribbon, lapel button, insignia, or other device (except the honorable service lapel button) is prohibited without prior approval in writing of the Secretary of the Army except when used to illustrate a particular article which is offered for sale.

(c) The reproduction in any manner of the likeness of any identification card prescribed by the Department of the Army is prohibited without prior approval in writing of the Secretary of the Army.

PART 508—COMPETITION WITH CIVILIAN BANDS

Sec.

508.1 Use of bands off military reservations.
508.2 Responsibility for enforcement of instructions.
508.3 Policy.

AUTHORITY: §§ 508.1 to 508.3, inclusive, issued under sec. 35, 39 Stat. 188; 10 U. S. C. 609.

SOURCE: AR 250–5, 19 Nov. 1947.

§ 508.1 *Use of bands off military reservations*—(a) *Authority.* Section 35, act June 3, 1916 (39 Stat. 188; 10 U. S. C. Army * * * whether a non-commissioned officer, musician, or private, 609), provides that no enlisted man in the active service of the United States shall be detailed, ordered, or permitted to leave his post to engage in any pursuit, business, or performance in civil life, for emolument, hire, or otherwise, when the same shall interfere with the customary employment and regular engagement of local civilians in the respective arts, trades, or professions.

(b) *Competition with civilians.* This law is intended to prevent the competition of military personnel with civilians. The authority to determine whether the use of an Army band at a public gathering is prohibited by the act of June 3, 1916, is delegated to the commanders of the major forces and major commands. Attention is directed to § 502.18 (d) of this subtitle, and opinion of The Judge Advocate General of the Army: JAG 322.16, May 8, 1924; Dig. Op. JAG 1912–40, sec. 320 (3), and 10 U. S. C. 905, Right of Army Musicians to Furnish Music in Competition with Civilian Musicians.

(c) *Instructions governing use.* The following instructions pertaining to the use of bands which conform to the law quoted above will govern:

(1) Bands may be furnished on the following occasions:

(i) All military uses and occasions, that is, whenever and wherever an Army band functions as part of the Nation's military forces. The music may be broadcast or telecast with the other features of the official program for the occasion.

(ii) All uses upon military and naval reservations, military and naval vessels, and other places or circumstances where a band is on duty with military forces.

(iii) When music is an appropriate part of official occasions attended by the superior officers of the Government and of the Departments of Army, Navy, and Air Force in their official capacities and in the performance of official duties. The music may be broadcast or telecast with the other features of the official program for the occasion. Such occasions do not include social occasions and entertainments, such as dinners, luncheons, etc., given by civilians or civic associations with such officers as guests.

(iv) Broadcasts and telecasts from a military reservation of concerts by Army bands and music furnished by an Army band as part of an entertainment when such conforms to subdivision (ii) of this subparagraph.

(v) Broadcasts and telecasts from a military reservation by Army bands or any part thereof for purely recruiting drives or, for the specific official purpose of presenting to the public certain matters considered by the Department of the Army to be of sufficient importance to require dissemination by means of the radio and television systems and networks of the United States and which are not connected in any way with a commercial enterprise.

(vi) Musical programs at any United States Government hospital for the entertainment of its patients.

(vii) Concerts in the Capitol Grounds, Capitol buildings, and public parks of the city of Washington, District of Columbia.

(viii) At free social and entertainment activities conducted exclusively for the benefit of enlisted personnel and their guests in service clubs and social centers maintained for the use of enlisted personnel.

(ix) At official occasions and free social and entertainment activities held on or off military reservations: *Provided,* That such free social and entertainment activities are conducted exclusively for the benefit of personnel of the armed forces and their guests. The furnishing of bands or musicians on such occasions is discretionary with the commanding officer having jurisdiction in the matter.

(x) For parades and ceremonies incident to gathering of personnel of the armed forces, veterans, and patriotic organizations.

(xi) At public rallies and parades to stimulate national interest when directed by the Department of the Army.

(xii) Fund drives for the Army Relief, the Army Emergency Relief, the Air Force Aid Society, and the National Red Cross, when the entire proceeds are donated to these agencies.

(xiii) Football, baseball, basketball, track meets, and other athletic contests in which one or more armed forces teams are participating.

(xiv) In connection with recruiting activities for the armed forces.

(2) Bands will not be furnished on the following occasions:

(i) For civic parades, ceremonies, expositions, regattas, contests, festivals, local baseball or football games, activities, or celebrations, etc., except as provided in subparagraph (1) of this paragraph.

(ii) For the furtherance, directly or indirectly, of any public or private enterprise, board of trade and commercial clubs or associations, except as provided in subpargraph (1) of this paragraph.

(iii) For any occasion that pertains primarily to a party or sect in character or purpose.

(iv) For civilian clubs, societies, civic or fraternal organizations.

(v) For so-called charitable purpose of a local party, group, or sect or any so-called charity that is not of a national character.

(vi) For broadcasts or telecasts off a military reservation, except as stated in subparagraph (1) (v) of this paragraph.

(vii) For any occasion in violation of paragraph (a) of this section unless specifically authorized by the provisions of subpargraph (1) of this paragraph.

§ 508.2 *Responsibility for enforcement of instructions.* The enforcement of the instructions governing the use of bands is a command function and the responsibility therefore rests with appropriate commanders.

§ 508.3 *Policy.* It is not the policy of the Department of the Army for officials of the Army to make arrangements with musicians' unions which would nullify the provisions of §§ 508.1 and 508.2.

PART 509—SECRECY SURROUNDING TROOP MOVEMENTS

Sec.

509.1 General.
509.2 Rail and motor movements.
509.3 Embarkation.
509.4 Periods of peace or following termination of hostilities.

AUTHORITY: §§ 509.1 to 509.4, inclusive, issued under R. S. 161; 5 U. S. C. 22.

SOURCE: AR 380-5, 15 Aug. 1946.

§ 509.1 *General*—(a) *Application.* The provisions of paragraphs (b), (c), and (d) of this section and §§ 509.2–509.3, inclusive, will apply during periods of hostilities. The provisions of § 509.4 will apply during periods of peace or following the termination of hostilities and before peace is formally declared.

(b) *Responsibility of commanding officers.* Commanding officers of units, replacements, or individuals affected by the provisions of this part are responsible that such personnel are instructed in these provisions, advised of their applicability, and warned of the danger involved in the disclosure to unauthorized persons of classified information concerning troop movements or movements of supplies.

(c) *Classification requirements.* Information of movements of personnel or supplies will be classified, when appropriate, as secret, confidential, or restricted by, or by authority of, any officer authorized to make or authorize secret classifications.

(d) *Dissemination of information.* (1) All persons connected with the military service who receive information concerning movements of personnel or supplies classified in accordance with Army Regulations are forbidden to make public or to inform unauthorized persons concerning the classified elements of such movements.

(2) When it is necessary to advise relatives or other persons of approaching departure, individuals connected with the military service will not disclose any classified information.

(3) Arrival in a theater of operations does not diminish the necessity of safeguarding classified elements of information concerning the movement. After such arrival, no information will be given to unauthorized persons concerning names, destinations, or organizations, names of vessels, data concerning convoys, routes pursued, measures taken to avoid attack, date of arrival, debarkation or departure, or number of troops, or kind of cargoes carried.

§ 509.2 *Rail and motor movements.* (a) Reports concerning arrivals and departure of rail or motor movements within the United States which for any reason are classified, may be transmitted to persons authorized to receive such reports, unclassified, provided unit designations are not included therein.

(b) When rail or motor movements or travel of personnel are made preliminary to movement to a theater of operations, cars, baggage, and impedimenta will not be marked in the clear to show oversea destination, date of departure, name of ship, or other classified elements of information.

§ 509.3 *Embarkation.* (a) Troop movements will be made so far as practicable without attracting undue attention.

(b) All persons not on official business will be excluded from the piers at all times.

(c) Members of families, relatives, or friends of personnel under oversea movement or travel orders will not be allowed in the vicinity of piers on the day of sailing.

§ 509.4 *Periods of peace or following termination of hostilities*—(a) *Application.* The provisions of this section will apply only during periods other than those of hostilities.

(b) *Normal security requirements.* Information or documents concerning movements of personnel or supplies will normally be unclassified.

(c) *Classification requirements.* Elements of information (such as destination, mission, and other elements which should be safeguarded) concerning movements of personnel or supplies, other than movements within oversea areas in which United States Army forces are stationed, will be classified secret, confidential, or restricted only when such classification is authorized by the Department of the Army.

PART 510—CHAPLAINS

§ 510.1 *Ceremonial.* Chaplains will conduct appropriate burial services at the interment of members of the military service, active and retired, and for members of the families of these when requested. They are authorized to perform the marriage rite, upon proper legal authorization in each case, and will administer Christian baptism and perform such other religious rites for members of the military personnel and civilians residing upon or employed in the military reservation as may be required, according to their respective creeds or conscientious practice in each case. On Memorial Day the chaplain who is on duty at a post on which a military cemetery is located will, under the direction of the commanding officer, supervise the decoration of the graves therein and will arrange for such public memorial exercises as the place and occasion may warrant. [AR 60–5, 12 Dec. 1946] (R. S. 1125; 10 U. S. C. 238)

PART 511—ASSISTANCE TO RELATIVES AND OTHERS IN CONNECTION WITH DECEASED PERSONNEL

Sec.

511.1 Notification to nearest relative or other person designated to be notified in case of emergency.
511.2 Letter of sympathy to nearest relative or other person designated to be notified in case of emergency.
511.3 Advice to supposed beneficiary: furnishing vouchers.
511.4 Effects.
511.5 Ownership of personal effects of deceased.

AUTHORITY: §§ 511.1 to 511.5, inclusive, issued under R. S. 161; 5 U. S. C. 22.
SOURCE: AR 600–550, 23 June 1947.

§ 511.1 *Notification to nearest relative or other person designated to be notified in case of emergency.* (a) In case of death occurring at a decedent's regular post, camp, station, or other command within the continental United States, excluding Alaska, the commanding officer of that post, camp, station, or other command will, if possible, send notification of death by commercial telegraph to the nearest relative or other person designated to be notified in case of emergency. In case of death beyond the jurisdiction of the decedent's regular post, camp, station, or other command, the commanding officer of the post, camp, station, or other command nearest the place of death, who is responsible for preparation of remains under the provisions of Army regulations, will send the notification of death to the nearest relative or other person designated to be notified in case of emergency. Such notification will include the fact, date, place and cause of death, and will, when early shipment of the remains is practicable, request the person notified to reply by telegraph whether it is desired to have the remains shipped home, and if such shipment is desired, to designate the name and address of the funeral director to whom the remains will be consigned and the name and address of the person who will incur and be responsible for interment expenses. Under no circumstances will the notification include a statement relative to line of duty or misconduct. In view of the importance and urgency of telegraphic reports of death, a definite address, including street number when known, will be given in all cases in order that prompt and correct delivery may be made.

(b) Effective 1 July 1946, in cases of deaths occurring outside the continental limits of the United States, including Alaska, upon receipt of the report required by Army Regulations, The Adjutant General will, except as provided in paragraph (c) of this section, notify the nearest relative, or other person designated to be notified in case of emergency, of the fact of death, requesting the next of kin to advise The Quartermaster General by wire disposition and shipping instructions, except in cases of natives of countries concerned when Army Regulations will govern.

(c) When the person to be notified resides within the geographical limits of the theater, command, or department in which death occurs the notification of the fact of death to such person will be made in the name of the Secretary of the Army by the appropriate commander. The Adjutant General will be advised that the notification has been made.

§ 511.2 *Letter of sympathy to nearest relative or other person designated to be notified in case of emergency.* (a) When death occurs on a transport, the letter of sympathy will be prepared by:

(1) The commanding officer of the unit of which the deceased was a member;

(2) If there is no unit commander, the commanding officer of troops on board the transport;

(3) If there is no unit commander or commanding officer of troops, the master of the vessel;

and will be turned over to the transportation agent to be mailed to the nearest relative or other person designated to be notified in case of emergency.

(b) In cases of death in oversea commands, except where the nearest relative or other person designated to be notified in case of an emergency resides locally, the letter of sympathy will be prepared by The Adjutant General upon receipt of the report of death. When the nearest relative or other person designated to be notified in case of an emergency resides in the country in which the death occurs the local commander will prepare the letter of sympathy. In every case of death overseas, the emergency addressee or the next of kin will be advised by air mail letter direct of the circumstances surrounding death, including specific cause and place, the grave location, information about the burial service, and all other information of a personal or sentimental nature which may be of comfort to the family.

§ 511.3 *Advice to supposed beneficiary: furnishing vouchers.* (a) Inquiries from a supposed beneficiary will be answered to the effect that gratuities (see §§ 533.1 to 533.3 of this title) are paid by the proper disbursing officer as soon as eligibility therefor can be determined by the Finance Officer, U. S. Army, Army Finance Center, OCF, Building 205, St. Louis 20, Missouri, or the finance officers in oversea commands; that if found eligible, information relative to payment may be expected from the disbursing officer as early as practicable; and that no action on his or her part to secure payment is necessary.

(b) Vouchers will not be furnished to a supposed beneficiary by anyone other than the Finance Officer, U. S. Army, St. Louis, except that in oversea commands such vouchers may be furnished by the disbursing officer authorized to make payment of the gratuity.

§ 511.4 *Effects*—(a) *Disposition of effects.* Action will be taken in accordance with instructions contained in TM 10–285, as defined by 112th Article of War upon the death of any person subject to military law, as shown in the second article of war, who dies within the continental limits of the United States, excluding Alaska.

(1) Upon the death of any persons, subject to military law as defined by the 2d Article of War, who die or are reported as "missing persons" outside the continental limits of the United States, including Alaska, subsequent to January 1, 1948, disposition of their effects will be direct to the legal next of kin and not through the Army Effects Bureau.

(b) *When death occurs on board a transport.* (1) The effects of persons who die aboard a transport will be secured and listed and each lot will be securely boxed and crated. Three copies of the list will be prepared. One copy of the list will be inclosed with the effects in the container and one securely pasted on the outside of the container. The effects will then be turned over to the transportation agent for safekeeping and for delivery to the port transportation officer at a port in the United States for disposition in the manner prescribed in the 112th Article of War.

(2) When part of the effects are stored in the hold of the transport, or when it is impracticable for any reason to secure all the effects, the effects accessible will be secured and listed and turned over to the transportation agent, who will, upon the arrival of the transport at a port of embarkation or debarkation, secure and list all the effects, prepare the list in triplicate, and take the action indicated in subparagraph (1) of this paragraph. The receipts for the effects will be obtained by the transportation agent from the port transportation officer and filed with the record of the transport.

(3) The transportation officer in the United States will dispose of the effects in the manner provided in the 112th Article of War, prepare the inventory in triplicate, and forward the original and first carbon thereof with the final report direct to The Adjutant General.

(c) *Clothing, Government property, not part of decedent's effects.* Issue clothing of deceased personnel, except authorized purchases, and other than necessary for burial, will be collected and turned in to the unit or other supply office with the individual equipment.

(d) *Care against loss of effects.* The greatest care will be exercised at all times against the loss of personal effects. Each package, box, or crate will be plainly marked "Effects deceased person" and

will bear the full name, grade, serial number, and organization of the person to whom the effects belonged.

(e) *Effects of deceased civilian employees not subject to military law.* (1) Within continental limits of United States, excluding Alaska: The foregoing provisions of this section do not apply in the case of deceased civilian employees with the Army when they are not subject to military law. In such cases the officer under whom the decedent was serving or such representative of the service in which the decedent has been employed as said officer may designate, will secure the decedent's effects and deliver them to the legal heirs or their representatives. If the effects are not claimed within a reasonable period of time, said officer, or the person designated by him, will deliver the effects, with all available useful information concerning the decedent, to the person designated by the judicial officer of the local civil government having jurisdiction over the estates of deceased persons. In all cases receipts will be obtained and forwarded through chiefs of arms and services to The Adjutant General with complete report of action taken.

(2) Outside continental limits of United States, including Alaska: Outside the continental limits of the United States, including Alaska, local pertinent laws will be complied with.

(f) *Stocks, bonds, bank accounts, and other commercial paper not to be converted into cash.* (1) The disposal of the effects and cash belonging to the estates of persons dying while subject to military laws will be governed by the procedure set forth in the 112th Article of War.

(2) When delivery of the effects cannot be made to any of the persons named in that article of war and the effects are to be converted into cash, the summary court will not include in the sale of effects any stocks, bonds, bank accounts, or other forms of purely commercial paper, but will forward the same to The Adjutant General for transmission to the Soldiers' Home under the provisions of the act of Congress approved February 21, 1931 (46 Stat. 1203; 10 U. S. C. 1584a).

§ 511.5 *Ownership of personal effects of deceased.* Communication to the legal next of kin advising of the shipment of personal effects will, at all times, convey the information that shipment of the property does not in any way vest title in the recipient, but that the property is forwarded in order that distribution may be made in accordance with the laws of the State of the decedent's legal residence.

PART 512—PRISONERS

Sec.
512.1 Clemency.
512.2 Visits to prisoners.
512.3 Mail.

AUTHORITY: §§ 512.1 to 512.3, inclusive, issued under 38 Stat. 1074, 1075, 1085, 45 Stat. 988; 10 U. S. C. 1453, 1455, 1457, 1457a, 1457b.

SOURCE: AR 600–375, 6 Jan. 1948.

§ 512.1 *Clemency*—(a) *Applications.* Applications for clemency may be made by or in behalf of a general prisoner. Such an application will be in writing, will set forth the grounds upon which the appeal is based, and will be forwarded through channels, with appropriate recommendations, to the proper authorities designated in paragraphs (b), (c), and (d) of this section. Good conduct cannot form a basis for clemency, but will aid in obtaining it. After the first application, applications by prisoners will be limited to one each year, unless new and material matter is presented which justifies immediate consideration.

(b) *Prisoners confined in United States disciplinary barracks or Federal institutions.* The case of each general prisoner who is serving sentence in a United States disciplinary barracks or in a Federal institution will be considered in the Department of the Army for clemency at some time within the first 6 months of the period of confinement and annually thereafter. For prisoners serving sentences in a United States disciplinary barracks, including those carried as absent sick in hospital, the commandant will make appropriate recommendation to The Adjutant General. In the event recommendation is not submitted within the first 6 months and annually thereafter a report will be submitted in each instance stating the reason for such noncompliance. For those prisoners serving sentences in Federal institutions, request will be made by The Adjutant General upon the warden for report when needed.

(c) *Prisoners confined at military posts and rehabilitation centers.* The case of each general prisoner serving sentence of confinement of 6 months or more at a military post or rehabilitation center will be considered for clemency by the commanding officer holding general court-martial jurisdiction over the prisoner at some time within the first 6 months of the period of confinement and annually thereafter. A report will be submitted to The Adjutant General after each such consideration. In the event a prisoner is not considered for clemency within the first 6 months and annually thereafter, a report will be submitted in each instance stating the reason for such nonconsideration.

(d) *Prisoners confined in general, regional, or station hospitals.* The case of each general prisoner serving sentence of confinement of 6 months or more who is confined in a general, regional, or station hospital, and whose designated place of confinement is other than a disciplinary barracks, will be considered for clemency by the army commander in whose area the hospital is located at some time within the first 6 months of the period of confinement and annually thereafter. A report will be submitted to The Adjutant General after each such consideration. In the event a prisoner is not considered for clemency within the first 6 months and anually thereafter, a report will be submitted in each instance stating the reason for such nonconsideration.

§ 512.2 *Visits to prisoners.* Prisoners will be permitted to see relatives or friends under such restrictions as the commanding officer may impose.

§ 512.3 *Mail*—(a) *Outgoing.* Each prisoner confined in an Army confinement facility, except those in isolation or solitary confinement, will be permitted to write authorized persons a minimum of one letter each week, all letters to be submitted unsealed for inspection.

(b) *Incoming.* Incoming mail will, with the prisoner's consent, be opened and inspected by the prison officer. Unless the prisoner consents to inspection, incoming mail may be retained unopened until the prisoner's release, or until disposed of by judicial process. Retained mail will be marked and entered in the personal property book.

PART 513—ASSISTANCE OF CREDITOR BY DEPARTMENT OF THE ARMY

§ 513.1 *Sales on credit to enlisted men.* A person, firm, or corporation desiring to sell merchandise on credit to an enlisted man should, prior to doing so, obtain from the commanding officer of the organization to which the enlisted man belongs approval of the transaction and of the arrangements in connection therewith. The incurring by enlisted men of financial obligations which it will be difficult for them to meet is not regarded with favor, except under most exceptional circumstances. The Department of the Army will not concern itself with the business of persons, firms, or corporations selling merchandise to enlisted men on credit, and all communications with respect to such sales, and all arrangements looking to the establishment of such business relations must be had with the commanding officers of the organizations to which the enlisted men belong. The Department of the Army will decline to assist, by answering inquiries or otherwise, in securing the payment of obligations of this character that are incurred without the previous knowledge and consent of the commanding officers of the organizations to which the debtors belong. [AR 600–10, 8 July 1944] (R. S. 161; 5 U. S. C. 22)

PART 514—RANGE REGULATIONS FOR FIRING AMMUNITION FOR TRAINING AND TARGET PRACTICE

§ 514.1 *Safety precautions* — (a) *Safety limits.* Safety limits based upon prescribed danger areas will be determined prior to firing or bombing.

(b) *Trespassing on land ranges.* Before firing or bombing, the danger areas of land ranges will be examined and all persons will be excluded. Livestock will also be excluded unless an agreement has been reached with the owner or owners thereof. Local newspapers will be requested in the interest of safety to publish warnings against trespassing on the range.

(c) *Range guards.* Range guards properly instructed as to their duties will be posted so as to cover all normal approaches to the danger area.

(d) *Warning signals and signs.* (1) Scarlet danger flags and, when necessary, warning signs will be displayed at appropriate points to warn persons approaching a firing or bombing area which is being used.

(2) The scarlet streamer will be displayed from a prominent point on all ranges and at all times during firing or bombing. No firing or bombing will take place unless the scarlet streamer is displayed, and will cease at once in case the streamer is hauled down during firing.

(3) At night red lights may be used in lieu of danger flags, and to supplement the scarlet streamer.

(4) Signs warning persons of the danger from bullets, shells, bombs, and duds will be posted in the vicinity of the firing or bombing area at all times.

(e) *Water ranges.* Prior to firing or bombing over water areas or planting or firing submarine mines in water areas which are used by shipping of any kind, the harbor defense, post, regimental, or similar commander of the firing unit will warn local naval officials and, subject to current instructions regarding secrecy, inform the public of the contemplated firings or submarine mine plantings through one or more of the following agencies: Public press, public radio, Coast Guards or interested public officials. (R. S. 161; 5 U. S. C. 22)

PART 515—REGULATIONS FOR CORRESPONDENTS, TECHNICAL OBSERVERS AND SERVICE SPECIALISTS ACCOMPANYING U. S. ARMY FORCES IN THE FIELD

CORRESPONDENTS

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TECHNICAL OBSERVERS AND SERVICE SPECIALISTS

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515.43 Reports, correspondence, and censorship.
515.44 Relief from appointment.

AUTHORITY: §§ 515.1 to 515.44, inclusive, issued under 41 Stat. 787, 56 Stat. 281; 10 U. S. C. 1473, 1714.

CORRESPONDENTS

SOURCE: FM 30–26, 21 Jan. 1942.

§ 515.1 *General.* The Army recognizes that correspondents perform an undoubted public function in the dissemination of news concerning the operations of the Army in time of war. Correspondents accompanying troops in the field occupy a dual and delicate position, being under the necessity of truthfully disclosing to the people the facts concerning the operations of the Army, and at the same time of refraining from disclosing those things which, though true, would be disastrous to us if known to the enemy. It is apparent that this important function can only be properly performed under reasonable rules and regulations.

§ 515.2 *Definition.* The term "correspondent" as used in this manual includes journalists, feature writers, radio commentators, motion pitcure photographers, and still picture photographers accredited by the Department of the Army to a theater of operations or a base command within or without the territorial limits of the United States in time of war. Correspondents are classed as "accredited" and "visiting." This manual pertains principally to the former. (See § 515.18 for instructions concerning visiting correspondents.) Correspondents have the status of noncombatants.

§ 515.3 *Status of correspondents.* (a) Correspondents in time of war accompanying the armies of the United States, both within and without the territorial jurisdiction of the United States, although not in the military service, are subject to military law (par. (d), 2d Article of War) and are under the control of the commander of the Army force which they accompany.

(b) They are not entitled to the benefits provided by laws enacted exclusively for persons in the military service and they are subject to the provisions of the Selective Training and Service Act of 1940, and regulations prescribed thereunder.

(c) In the event of capture by enemy forces they are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the armed forces which they are accompanying. (Geneva Conference, July 27, 1929, Title VII, Art. 81)

(d) Correspondents will not exercise command, be placed in a position of authority over military personnel, nor will they be armed. They are under the same restrictions as other military personnel as regards the settlement of accounts, compliance with standing orders, and the conducting of themselves with dignity and decorum.

(e) A correspondent becomes subject to military law from the time at which he commences to accompany troops or personnel who are on active service. This will generally be upon his arrival at the field force to which he is accredited, but may commence earlier if he travels to the field force via Government transportation.

§ 515.4 *Privileges.* (a) Correspondents will be given the same privileges as commissioned officers in the matter of accommodations, transportation, and messing facilities. All courtesies extended them in such matters must be without expense to the Government.

(b) Every reasonable facility and all possible assistance will be given correspondents to permit them to perform efficiently and intelligently their work of keeping the public informed of the activities of our forces within the limits dictated by military necessities.

(c) So far as the exigencies of the service permit, correspondents will receive, without charge, the same medical treatment as that accorded officers.

(d) Correspondents are free to converse with troops whenever they wish to do so, subject to the approval of the officer present with the troops in question. They are requested and expected, however, to refrain from conversing with troops at work or on guard, or from discussing subjects or soliciting answers to matters which are clearly secret.

§ 515.5 *Application.* (a) Application to accompany U. S. Army forces in the field will be submitted by the individual or by the agency concerned to the Chief, Public Information Division, Special Staff, U. S. Army, Washington, D. C.

(b) The application will state the name and address of the individual; qualifications and past experience in his field of work, including names of former agencies for which he worked; citizenship and place and date of birth; general health condition; the particular force it is desired he accompany; and any other pertinent information which will assist in the consideration of his application.

§ 515.6 *Limit on number.* (a) The number of correspondents which will be accredited to a particular field force will be within the quota set by the Department of the Army and based upon the recommendation of the force commander as determined by the size of the force, the distance from the usual media of news dissemination, and the availability of accommodations within the command or adjacent communities.

(b) Representation with any one field force will be limited to one correspondent each from press associations, publications, radio, news, and picture syndicates; sole exception to this ruling will be the accrediting of a two man crew in the case of news reels. The Department of the Army objective being the widest possible distribution of information to the American people, preferences in the consideration of applications will be given to agencies representing the largest possible news or picture dissemination.

(c) In view of the importance of the work of correspondents in the field, and the necessary limitations as to the numbers or correspondents accredited to the field forces in any one theater of operations, the Department of the Army will accredit only experienced newspaper men; all other conditions being equal, preference will be given to newspaper men with past military experience or past experience in the coverage of large maneuvers.

(d) No officer, enlisted man, or civilian employee of the military forces serving in the theater of operations will be permitted to be a correspondent for any publication without the written permission of the theater or base commander. Correspondents will not use military titles in signing dispatches.

§ 515.7 *Agreement—(a) Accredited correspondents.* Before final acceptance

an accredited correspondent will be required to sign an agreement, in triplicate, as follows:

DEPARTMENT OF THE ARMY

PUBLIC INFORMATION DIVISION

Washington

(Date)

Agreement

In connection with authority granted by the Department of the Army to me, the undersigned, to accompany ---

(Name of field force)

for the purpose of securing news or story material, still or motion pictures, or to engage in radio broadcasting, I subscribe to the following conditions:

1. That, as a civilian accredited to the Army of the United States within or without the territorial limits of the United States, I am subject to the Articles of War and all regulations for the Government of the Army issued pursuant to law.

2. That, I will govern my movements and actions in accordance with the instructions of the Department of the Army and the commanding officer of the Army unit to which I am accredited, which includes the submitting for the purposes of censorship all statements, written material, and all photography intended for publication or release either while with the Army or after my return, if the interviews, written matter, or photography are based on my observations made during the period or pertain to the places visited under this authority. I further agree that I will submit for purposes of censorship all such material even though written after my return, if the interviews, written material, or statements are based on my observations made during the period or pertain to the places visited under this authority. This includes all lectures, public talks, "off the record" speeches, and all photography intended for publication or release, either while with the armed forces or after my return if they are based upon my observations during this period or pertain to the places visited.

3. That, I waive all claims against the United States for losses, damages, or injuries which may be suffered as a result of this authority.

4. That, this authority is for the period --- to --- and subject to revocation at any time.

5. That at the termination of my assignment, I will surrender my credentials without delay to the Public Information Division, Department of the Army.

Signed: ---

Representing: ---

(Company, syndicate, or agency)

Witnessing officer: ---

(Name)

(Grade and organization)

This form will be executed in triplicate.

(b) *Visiting correspondents.* Visiting correspondents will sign the following form;

DEPARTMENT OF THE ARMY

PUBLIC INFORMATION DIVISION

Washington

(Date)

Agreement (Visiting)

In connection with recognition as a war correspondent outside the continental limits of the United States, granted by the Department of the Army to me, the undersigned, for purpose of securing news or story material, still or motion pictures, or to engage in radio broadcasting I subscribe to the following conditions with reference to United States military and naval activities:

1. That as a civilian recognized as a war correspondent outside the continental limits of the United States, I am subject to the Articles of War and all regulations for the government of the Army issued pursuant to law, when with such forces.

2. That, I will govern my movements and actions in accordance with the instructions of the Department of the Army and the commanding officer of the Army unit to which I am accredited, which includes submitting, for purposes of censorship, all statements or written material, lectures, public talks, "off the record" speeches, and all photography intended for publication or release either while with the Army or after my return, if the interviews, written matter, lectures, public talks, or "off the record" speeches are based on my observations made during the period or pertain to the places visited under this authority.

It is further understood and agreed that undeveloped film which cannot be processed and passed by the unit intelligence officer will be forwarded by him to the Department of the Army.

3. That I waive all claims against the United States for losses, damages, or injuries which may be suffered as a result of this authority.

4. That this authority is subject to revocation at any time.

5. That at the termination of my assignment I will surrender my credentials without delay to the Public Information Division, Department of the Army.

Signed: ---

Representing: ---

(Company, syndicate, or agency)

Witnessing officer: ---

(Name)

(Grade and organization)

This form will be executed in triplicate.

§ 515.8 *Credentials.* (a) When an application for appointment as a correspondent is approved, the applicant will be furnished credentials and a Correspondent's Identification Card by the Chief, Public Information Division, Special Staff, U. S. Army. The card identifies him as an accredited correspondent.

(b) Correspondents will produce their identification cards whenever called for by any officer, warrant officer, or enlisted man in the execution of his duty. Failure to do so will subject the correspondent to arrest or detention.

(c) In addition to the Department of the Army credentials, the particular field force commander may issue a pass or credentials with regulations governing their use.

§ 515.9 *Uniform.* (a) The proper uniform for accredited correspondents is that of an officer, but less all insignia of grade or arm or service, and without black and gold piping on field caps, officers' hat cords, or officers' insignia on the garrison cap if worn.

(b) The uniform includes the official brassard worn on the left sleeve. This is a green cloth band, 4 inches wide, with a 2-inch white block letter "C" or "P", indicating the function of the correspondent. Journalists, feature writers, and radio commentators will wear "C" brassards. Photographers operating still or motion equipment will wear "P" brassards.

(c) Articles of special clothing and equipment which are issued to officers and enlisted men in cold climates may be issued to correspondents. These articles must be turned in prior to departure from the theater of operations or base command.

(d) Accredited correspondents will not wear civilian clothing while serving with the field force.

§ 515.10 *Transportation.* (a) Government transportation may be given accredited correspondents with the accommodations of an officer whenever such transportation—water, troop train, air, or automobile—is available and essential military personnel is not displaced or inconvenienced.

(b) The baggage of correspondents will be moved with that of the headquarters to which attached. Its weight will be within the limits prescribed by the commander concerned.

§ 515.11 *Reporting upon arrival.* (a) Upon arrival in the theater of operations or base command to which accredited, correspondents will report to the intelligence officer of the command, presenting their credentials. It is the intelligence officer, or his assistant in charge of public relations, who will exercise control of correspondents in the name of the field force commander, and it is to him correspondents should turn for assistance and guidance, or to register complaints if believed justified.

(b) All correspondents are officially attached to the headquarters of the field force commander. They may, however, at their own request be placed on duty with a subordinate headquarters nearer to the scene of action. All changes of their base of operations will be done only upon the approval of the field force commander and contingent upon the availability of accommodations at the unit they wish to accompany.

§ 515.12 *Filing of material.* (a) All dispatches will be delivered, in duplicate, to the intelligence officer, or his assistant, for censorship prior to filing or mailing. In the process of censorship no changes will be made by the censor in dispatches except through deletion. Correspondents, unless the occasion is unusual, will be permitted to see their dispatches after being censored in the event they desire to make a revision, or to note the objectionable portions for future avoidance, or to recheck on wordage for cable charges.

(b) Copy must be submitted for censorship on all broadcast interviews or news broadcasts.

§ 515.13 *Censorship of articles for publication*—(a) *General.* In general, articles may be released for publication to the public, *Provided:*

(1) They are accurate in statement and implication.

(2) They do not supply military information to the enemy.

(3) They will not injure the morale of our forces, the people at home, or our allies.

(4) They will not embarrass the United States, its allies, or neutral countries.

(b) *Time element.* Intelligence officers charged with the censorship of articles for publication will take into consideration the time interval between the occurrence of events reported and the publication of the article concerning these events. If events are reported by cable, telegraph, or radio very shortly after their occurrence, the closest supervision will be necessary. If, on the other hand, the articles are forwarded by mail for printing in magazines or books, the time interval may be such as to render the information contained in the articles of little value to the enemy. Censorship regulations will be applied after consideration of this time element.

(c) *Specific rules governing censorship of articles for publication.* (1) The identity of organizations in the combat zone and in the communications zone will be announced only in official communiqués. When announced, they will never be associated with the name of a place.

(2) The name of an individual may be used whenever an article is materially helped by its use.

(3) Officers will not be quoted directly or indirectly nor anonymously on military matters except as specifically authorized by the theater commander.

(4) Within the combat zone no sector will be said to have any American troops in it until the enemy has established this as a fact.

(5) No town or village in the combat zone will be identified as holding American or allied forces except as an essential part of a story of an engagement and after the fact.

(6) No base port or communication center or other point of a line of communication will be mentioned by name or description as having anything to do with the activities of our forces.

(7) Ship or rail movements, real or possible, will not be discussed, except as authorized by official communiqués.

(8) Plans of the Army, real or possible, will not be discussed.

(9) Numbers of troops as a total or as classes will not be discussed except as authorized by official communiqués.

(10) The effect of enemy fire or bombardment will not be discussed except as authorized in official communiqués.

(11) Articles for publication in the theater of operations or in allied countries or in neutral countries contiguous to the theater will be scrutinized carefully to make sure they do not hold possibilities of danger which the same stories printed in the United States would not hold. This applies not only to military information, which would thus be in the hands of the enemy within the day of writing, but also to an emphasis on small exploits which it may be extremely desirable to print in the United States but quite undesirable in the theater.

(12) Exaggerations of our activities accomplished or contemplated are prohibited.

(13) References to numbers of our own casualties will be based on the statements in official communiqués. Individual dead or wounded may be mentioned by name only when it is reasonably certain that the facts are correct and that some definite good end, such as offering examples of heroism, will be served by printing them. Mention by name will be allowed not earlier than 24 hours after the official cablegram announcement of such individual casualties has been sent to the Department of the Army.

§ 515.14 *Photographic censorship*—(a) *Still pictures.* (1) All photographic negatives taken by official or accredited civilian photographers may be processed in the Signal Crops field laboratory or in such other laboratory installations as the theater commander may designate. Photographs will then be censored by a representative of G–2.

(2) No negatives or prints will be released except by authority of the theater commander. Such released prints or negatives will bear the censorship stamp and will be accompanied by suitable captions. A record of all such releases will be kept.

(3) Negatives and prints of accredited commercial correspondents not released by the censor will become the property of the United States Government, and will be forwarded through channels to the Intelligence Division, General Staff, U. S. Army, Washington, D. C., accompanied by full information sheet as to captions and the agency which took the photographs.

(4) Films or prints which cannot be processed locally, such as color film, will be delivered to a representative of G–2 marked, "Undeveloped film. Do not open." This will be forwarded by the fastest practicable means to the Intelligence Division, General Staff, U. S. Army, Washington, D. C.

(5) Regardless of the number of accredited correspondents any one agency has in the field, photographs from theaters of operation by newspaper photographers will be "rotoed." Photographs from theaters of operation of weekly magazine photographers will be rotoed.

(b) *Motion pictures.* (1) All exposed and undeveloped negative together with the dope sheets of accredited cameramen will be turned over to a representative of G–2 marked, "Unexposed film. Do not open."

(2) G–2 will forward this negative by the fastest practicable means to the Intelligence Division, General Staff, U. S. Army, Washington, D. C.

(3) In certain tropical climates where motion picture film deteriorates rapidly, it may be processed under the supervision of G–2 and the developed negative forwarded as directed in (2) above.

(4) By agreement between the Department of the Army and the newsreel companies, all newsreel film from the theaters of operation will be rotoed by the Public Information Division Special Staff, U. S. Army, Washington, D. C.

(c) Writers accredited as correspondents will not be permitted to take photographs. Photographers accredited as correspondents will not be permitted to file stories.

(d) For the privileges of "exclusive" photographs, see § 515.18.

§ 515.15 *Signal and mail service.* (a) The signal system will be open to correspondents' dispatches, after censoring, when such use does not interfere with military needs. Dispatches will be sent in the order of filing. The intelligence officer under whom the correspondent serves is authorized to limit the number of words or otherwise to make an equitable adjustment of the use of the signal system among the correspondents when the system is inadequate to carry the complete text of all dispatches submitted. If commercial cable or telegraph facilities are available, credit cards may be useful.

(b) All mail, including personal letters, will be through the established censorship system. The use of "blue envelopes" for the censoring of personal mail by the base censor is authorized, but these may not be used to mail photographs or dispatches for publication to avoid censoring by the immediate headquarters under which the correspondent serves.

§ 515.16 *Relief from appointment.* (a) An accredited correspondent will not leave the theater of operations or base command without the written permission of the commander.

(b) If serving with troops beyond the territorial limits of the United States, relief does not become effective until arrival in the United States, if the journey is made by Government transportation.

(c) Upon termination of appointment as a correspondent, either on the application of the individual or his employer, by the request of the commander concerned, or by the expiration of the period of the appointment, the individual will surrender his credentials to the Public Information Division, Special Staff, U. S. Army, and will cease wearing the official uniform of a correspondent.

§ 515.17 *Discipline.* (a) A correspondent will be suspended from all privileges for the distortion of his dispatches in the office of the publication which he represents, and also for the use of words or expressions conveying a hidden meaning which would tend to mislead or deceive the censor and cause the approval by him of otherwise objectionable dispatches.

(b) In the presence of the enemy he will conform to the actions of the troops, and will not jeopardize the safety of the command or compromise the scheme of maneuver in progress.

(c) He may be subject to disciplinary action because of an intentional violation of these and other regulations, either in letter or in spirit, and in extreme cases of offense, where investigation proves the circumstances warrant, the correspondent may be placed in arrest to await deportation or trial by a court martial.

§ 515.18 *Visiting correspondent.* (a) A visiting correspondent, as differentiated from an accredited correspondent, is one who has permission from the Commander in Chief or the Secretary of the Army to visit the field force for the purpose of securing information or photographic material for publication after return from the visit.

(b) Visiting correspondents will be limited to a specific itinerary as outlined in their letter of authorization, and will be accompanied ordinarily by a conduct-

ing officer. When not so accompanied, they will carry a letter from the intelligence officer of the field force. They are treated more in the nature of visitors than correspondents. They will comply with the regulations governing accredited correspondents, with the following modifications:

(1) They will not be required to wear the prescribed uniform but will wear the proper brassard.

(2) As a measure of protection to the accredited correspondents serving with the field forces, visiting correspondents will not be permitted to mail or file dispatches or photographs intended for publication or release during the period of their visit. So-called "spot" news will be reserved for the accredited correspondents.

(3) Visiting photographers will have exclusive right to their photographs and may not be required to "roto."

TECHNICAL OBSERVERS AND SERVICE SPECIALISTS

SOURCE: FM 30-27, 31 Aug. 1944.

§ 515.31 *General.* Sections 515.31 to 515.44, inclusive, will guide the following types of civilian personnel:

(a) Civilian personnel employed by firms engaged in manufacturing munitions and equipments of war who may be assigned by the Department of the Army to field forces of the Army as technical observers.

(b) Civilian operations analysts and scientific consultants assigned to duty with operations analysis sections or operational research sections of various headquarters of the field forces and commands within and without the territorial limits of the United States. Their function is to make such studies of the operations of the army as may be directed by the headquarters to which attached, and to make reports and recommendations to the commanding general thereof, for the purpose of improving equipment and techniques of the command. Central administration of such personnel is provided by the Department of the Army.

(c) Sections 515.31 to 515.44, inclusive, do not apply in any respect to civilian observers authorized to attend maneuvers under the control of the Army Field Forces or the U. S. Air Force. In regard to these observers, commanders of Army Field Forces units will be guided by maneuver instructions published by the Chief, Army Field Forces. Commanders of Air Force units will be guided by maneuver instructions published by the U. S. Air Force.

§ 515.32 *Definition.* (a) The term "technical observer" as used in §§ 515.31 to 515.44, inclusive, includes any person (employed by a civilian firm) officially accredited as such by the Department of the Army to a theater of operations or a base command for the purpose of observing and reporting upon the operation of equipment and armament under field conditions and/or assisting in the maintenance and repair of such equipment with a view of overcoming difficulties encountered both in the field and at the factories. Technical observers may also assist in the instruction of military personnel in the operation and maintenance of such equipment.

(b) The terms "operations analyst" and "scientific consultant" as used in §§ 515.31 to 515.44, inclusive, include any person officially accredited as such by the Department of the Army to a theater of operations or a command within or without the territorial limits of the United States.

§ 515.33 *Number.* The Department of the Army will determine the number of operations analysts, scientific consultants, and technical observers which are to be accredited to a field force.

§ 515.34 *Application*—(a) *Technical observers.* (1) Applications for authority to accompany United States Army forces in the field will be submitted by the firm employing the technical observer to The Adjutant General, Washington 25, D. C.

(2) The application will state the name and address of the individual; citizenship; place and date of birth; general health conditions; the particular force it is desired he accompany; and any other pertinent information which will assist in the consideration of his application.

(3) When technical observers are requested of a civilian organization by the Department of the Army the civilian organization will furnish data as indicated in subparagraph (2) of this paragraph.

(b) Operations analysts and scientific consultants will furnish the Department of the Army such personal data as may be requested.

§ 515.35 *Status*—(a) *Assimilated rank and grade.* Operations analysts, scientific consultants, and technical observers are assigned assimilated rank as provided by Article 81 of the Geneva Convention on Prisoners of War, for use only in the event of capture by the enemy.

(b) *Capture.* (1) In the event of capture by the enemy operations analysts, scientific consultants, and technical observers are entitled to be treated as prisoners of war.

(2) Operations analysts, scientific consultants, and technical observers, when held by the enemy as prisoners of war, are entitled to the same treatment and the same privileges as commissioned personnel of the Army of the United States of the same grade as their assimilated rank, provided they are in possession of a Noncombatant's Certificate of Identity, properly authenticated by an authorized agency of the Department of the Army (Geneva Convention on Prisoners of War, Articles 21, 22, 23, and 81). They will be cautioned that by the international rules of warfare they are required to give only their name, official position, and assimilated rank, and that they will under no circumstances furnish the enemy with information of military value.

(c) Operations analysts, scientific consultants, and technical observers accompanying the armies of the United States in time of war, although not in the military service, are subject to military law and are under the control of the commander of the Army forces which they accompany.

(d) Operations analysts, scientific consultants, and technical observers are not entitled to the benefits provided by laws exclusively for persons in the military service. They are subject to the provisions of the Selective Training and Service Act of 1940, as amended, and regulations prescribed thereunder.

(e) Operations analysts, scientific consultants, and technical observers will not exercise command, be placed in the position of authority over military personnel, nor will they be armed. They are under the same restrictions as military personnel regarding the settlement of accounts, compliance with standing orders, and the conducting of themselves with dignity and decorum.

(f) Operations analysts, scientific consultants, and technical observers become subject to military law from the time at which they commence to accompany troops or personnel who are on active service. This will generally be upon their arrival at the field force to which they are accredited or ordered for duty but may commence earlier if they travel to the field force via Government transportation.

§ 515.36 *Privileges.* (a) In the matter of accommodations, transportation, and messing facilities, operations analysts, scientific consultants, and technical observers will be given the same privileges as commissioned officers of their assimilated rank. All courtesies extended to operations analysts, scientific consultants, and technical observers in such matters must be without expense to the Government and accounted for in accordance with existing Department of the Army regulations.

(b) So far as the exigencies of the service permit, operations analysts, scientific consultants, and technical observers will receive without charge the same medical and dental treatment as that afforded commissioned officers. In the event of death occurring in a theater of operation outside the continental limits of the United States, burial should be as prescribed for military personnel and without cost to the individual.

(c) Every reasonable facility and all possible assistance will be given operations analysts, scientific consultants, and technical observers to permit them to perform their duties efficiently and intelligently, within the limits dictated by military necessities.

(d) Operations analysts, scientific consultants, and technical observers are free to converse with troops and examine equipment in connection with their duties subject to the approval of the officer present with the troops in question. They will be required, however, to refrain from conversing with troops on guard, or from discussing subjects or soliciting answers to matters which are clearly secret and not connected with their particular duties.

(e) Under no circumstances will operations analysts, scientific consultants, or technical observers assist a war correspondent.

§ 515.37 *Discipline.* Operations analysts, scientific consultants, and technical observers will conform to all rules and regulations promulgated in the in-

terest of good order and military discipline. In the presence of the enemy, they will conform with the actions of the troops and will not jeopardize the safety of the command or compromise the scheme of maneuver in progress. When necessary they may be placed in arrest to await deportation or trial by court martial.

§ 515.38 *Credentials.* (a) (1) Before final acceptance, such individuals will be required to sign an agreement in triplicate as follows:

DEPARTMENT OF THE ARMY

THE ADJUTANT GENERAL'S OFFICE

Washington

(Date)

Agreement

In connection with authority granted by the Department of the Army to me, the undersigned, to accompany the United States Army forces in the field as a ----------,

(Insert)

I subscribe to the following conditions:

1. That, as a civilian accredited to the Army of the United States within or without the territorial limits of the United States, I am subject to the Articles of War, all regulations for the government of the Army issued pursuant to law, and all security regulations of the Army.

2. That I will govern my movements and actions in accordance with the instructions of the Department of the Army and the commanding officer of the field force to which I am accredited. I understand that official reports are to be transmitted through such commanding officer, and that my personal and official correspondence is subject to the general censorship rules prevailing within the command.

3. That this authority is subject to revocation at any time.

4. That, upon termination or revocation of this authority, I will surrender my credentials to the appropriate military authority who will issue to me a suitable letter and/or a permit which will allow sufficient time for me to return to my home or place of employment to resume civilian clothing, at which time I will immediately cease wearing the prescribed uniform.

Signed: ----------

Representing: ----------

(Firm)

(Address)

Witnessing officer: ----------

This form will be executed in triplicate.

(2) When an application for appointment as an operations analyst, scientific consultant, or a technical observer is approved, the applicant will be furnished credentials and identification card by The Adjutant General's Office. The card contains the individual's photograph, signature, fingerprints, and description. It identifies him as an accredited operations analyst, scientific consultant, or technical observer and must be carried on his person at all times. He will also be furnished with identification tags similar to that provided commissioned officers.

(b) Operations analysts, scientific consultants, and technical observers will produce their identification cards whenever called for by an officer, warrant officer, or enlisted man in the execution of his duty. Failure to do so will subject operations analysts, scientific consultants, or technical observers to detention or arrest.

(c) In addition to Department of the Army credentials, the particular field force commander may issue a pass or credentials with regulations covering their use by operations analysts, scientific consultants, or technical observers.

§ 515.39 *Uniform.* (a) The proper uniform for accredited operations analysts, scientific consultants, and technical observers is that prescribed in Army Regulations and will be worn in accordance therewith.

(b) Articles of special clothing and personal equipment, except arms, which are issued to commissioned officers may be issued to operations analysts, scientific consultants, and technical observers. These articles must be turned in prior to departure from the theater of operations or base command.

(c) Operations analysts, scientific consultants, and technical observers may purchase articles of clothing at Army exchanges, commissaries, and other outlets used by commissioned officers.

(d) Operations analysts, scientific consultants, and technical observers will *not* wear civilian clothing while serving with the United States Army in a theater of operations.

§ 515.40 *Indoctrination.* Prior to departure on a mission operations analysts, scientific consultants, and technical observers will report to the agency concerned with their assignment for indoctrination in the special features pertinent to their assignment.

§ 515.41 *Transportation.* Government transportation, water, air, troop train or vehicular, may be furnished operations analysts, scientific consultants, and technical observers without cost to the individual whenever such transportation is available, if the travel is essential to the accomplishment of their mission and the military situation permits. Weight of baggage will be within the limits prescribed by the commander concerned.

§ 515.42 *Reporting upon arrival.* Upon arrival in the theater of operations or command to which assigned or accredited, operations analysts, scientific consultants, and technical observers will report to the commanding officer or his representative, presenting their credentials. All operations analysts, scientific consultants, and technical observers are officially attached to the headquarters of the field force commander who may arrange for their assignment to posts of duty within the command from which they may best accomplish their mission.

§ 515.43 *Reports, correspondence, and censorship*—(a) *Reports.* Reports of technical observers will be prepared as military letters or as inclosures to military letters. All copies of the report will be transmitted through the commander of the field force to which the technical observer is accredited to The Adjutant General, Washington 25, D. C., attention appropriate Department of the Army agency concerned. The report will show on the last page of the letter the ultimate distribution to be made. Copies of reports will be supplied in quantities sufficient for accomplishing the distribution noted on the report. The distribution will include two copies for the chief of the technical service concerned and copies for the firm represented.

(b) *Correspondence and censorship.* Both reports and personal correspondence of operations analysts, scientific consultants, and technical observers will be subject to the general censorship rules prevailing within the command. The use of "blue envelopes" for the censoring of personal mail by the base censor is authorized but these may not be used to mail reports for publication to avoid censorship by the immediate headquarters under which they operate.

§ 515.44 *Relief from appointment.* (a) An accredited operations analyst, scientific consultant, or technical observer will not leave the theater of operations or base command without the written permission of the commander.

(b) If serving with troops beyond the territorial limits of the United States, relief does not become effective until termination of appointment in the United States.

(c) Upon termination of appointment, the individual will surrender all credentials to The Adjutant General or his designated representative, who will issue him a suitable termination letter which will allow sufficient time for the individual to resume civilian clothing, at which time he will immediately cease wearing the official uniform.

PART 516—FLAGS

§ 516.1 *Service flag*—(a) *Definition.* The term "service flag" refers to any symbol for private or public display to represent that a person (or persons) is serving or has served in the armed forces of the United States during World War II.

(b) *Design of service flag.* The design of the service flag is as follows:

(1) *Flag for immediate family.* On a white rectangular field a blue star or stars within a red border.

(i) The number of blue stars will correspond to the number of individuals from the "immediate family" who are still members of the armed forces.

(ii) The flag horizontally displayed will have the stars arranged in a horizontal line or lines with one point of each star up.

(iii) The flag vertically displayed will have the stars arranged in a vertical line or lines with one point of each star up.

(iv) If an individual is killed or dies while serving, from causes other than dishonorable, the star representing that individual will have superimposed thereon a gold star of smaller size so that the blue forms a border.

(v) For each individual who has been honorably discharged from the armed forces, the design of the lapel button in gold, outlined in blue, will be placed on the flag in lieu of the blue star.

(2) *Flag for organizations.* The flag for organizations will correspond to that described in subparagraph (1) above. However, instead of using a separate star

or design of the lapel button for service for each member, one star or design will be used with the number of the members indicated by Arabic numerals, which will appear below the star or design. If any members are deceased as determined under the circumstances cited in subparagraph (1) (iv) above, a gold star will be placed nearest the staff or to the dexter of the blue star in the case of a flag having horizontal display, or will be placed above the blue star in the case of a flag used in a vertical display. Below this star will be the Arabic numerals. The gold stars in both cases will be smaller than the blue stars so that the blue will form a border. The numerals in all cases will be in blue.

(3) *Size and relative proportions.* The size of the service flag will correspond to that used in the flag of the United States, if the display is made with the flag of the United States. In all other instances the service flag will be made in the size dictated by the circumstances necessitating the display.

(c) *Colors of service flag.* The shades of red, white, and blue used in the service flag will correspond to those prescribed for the colors of the flag of the United States as defined by Federal Specification No. TT-C-591. However, bleached white may be used in lieu of the white prescribed above.

(d) *Immediate family defined.* The "immediate family" includes father, mother, wife, son, daughter, brother, sister, husband.

(e) *Organizations defined.* The word "organization" refers to those group organizations, such as places of business, churches, schools, colleges, fraternities, sororities, and societies, with which the individual was associated.

(f) *Manufacture and sale*—(1) *Certificate of authority.* See §§ 507.1 to 507.8, inclusive.

(2) *Issue.* There is no authority of law whereby the Government may manufacture, issue, or sell service flags. [AR 260-10, 25 Oct. 1944] (R. S. 161; 5 U. S. C. 22)

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

[F. R. Doc. 48-8383; Filed, Sept. 16, 1948; 10:24 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 2—ADJUDICATION: VETERANS' CLAIMS

INFORMAL CLAIMS

Section 2.1027 of Part 2 is amended to read as follows:

§ 2.1027 *Informal claims.* Any communication from or action by a claimant or his duly authorized representative, or some person acting as next friend of a claimant who is not sui juris, which clearly indicates an intent to apply for disability or death compensation or pension may be considered an informal claim. To constitute an informal claim the communication must specifically refer to and identify the particular benefit sought. When an informal claim is received and a formal application is forwarded for execution by the claimant, such application shall be considered as evidence necessary to complete the initial application, and unless a formal application is received within one year from the date it was transmitted for execution by the claimant no award shall be made by virtue of such informal claim. If received within one year in such instances, it will be considered filed as of the date of receipt of the informal claim by the Veterans' Administration. However, a communication received from a service organization, pension attorney, or pension agent may not be accepted as an informal claim, if a power of attorney was not executed at the time the communication was written. In cases not covered by this rule, where the probability of an informal claim appears to be indicated, but the facts are too obscure or complicated for determination, the file will be referred to the director, claims service, in branch office cases, or the director of the service concerned in central office cases, for decision upon the facts in the particular case. When benefits are being resumed under § 3.1299 of this chapter, and an informal claim has been filed for a disability incurred or aggravated in the second period of service, the requirements of the third and fourth sentences of this section are not for application. Under Executive Order No. 6017, February 7, 1933, appearing in Title 22, page 161, Code of Federal Regulations of the United States of America, and section 1500, Public Law 346, 78th Congress, as amended, diplomatic and consular officers of the Department of State are authorized to act as agents of the Veterans' Administration and therefore an informal claim filed in a foreign country will be considered as filed in the Veterans' Administration as of the date of receipt by the State Department representative. (Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

[SEAL] O. W. CLARK,
Executive Assistant
Administrator of Veterans' Affairs.

[F. R. Doc. 48-8268; Filed, Sept. 16, 1948; 8:50 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 201—GENERAL REGULATIONS

PROCEDURE FOR STIPULATION OF CONDITIONS IN GOVERNMENT PURCHASE CONTRACTS; UNINTENTIONAL EMPLOYMENT OF UNDERAGE MINORS, RECORDS OF EMPLOYMENT

By virtue of the authority vested in me by section 4 of the Walsh-Healey Public Contracts Act (act of June 30, 1936, 49 Stat. 2036, 41 U. S. C. 35-45), this part [1] is revised as follows:

1. By adding a new section, numbered § 201.105, to read as follows:

§ 201.105 *Protection against unintentional employment of underage minors.* An employer shall not be deemed to have knowingly employed an underage minor in the performance of contracts subject to the act if, during the period of the employment of such minor, the employer has on file an unexpired certificate of age issued and held pursuant to regulations issued by the Secretary of Labor under section 3 (l) of the Fair Labor Standards Act of 1938, 29 CFR, Part 401), showing that such minor is at least 16 years of age, if a male, or at least 18 years of age, if a female.

2. By amending paragraph (b) of § 201.501 to read as follows:

§ 201.501 *Records of employment.*

* * *

(b) Date of birth of each employee under 19 years of age; and if the employer has obtained a certificate of age as provided in § 201.105, there shall also be recorded the title and address of the office issuing such certificate, the number of the certificate, if any, the date of its issuance, and the name, address and date of birth of the minor, as the same appears on the certificate of age.

(49 Stat. 2036; 41 U. S. C. 35-45)

These amendments shall become effective and be applicable to contracts awarded as a result of invitations or negotiations commenced after the publication hereof in the FEDERAL REGISTER.

Dated at Washington, D. C., this 2d day of September 1948.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 48-8355; Filed, Sept. 16, 1948; 8:49 a. m.]

[1] The regulations appearing in this part were issued as Regulations No. 504 of the Secretary of Labor.

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 521]

WISCONSIN

REVOKING EXECUTIVE ORDER NO. 2759 OF NOVEMBER 22, 1917, WITHDRAWING TWO SMALL ISLANDS KNOWN AS SISTER ISLANDS, SITUATED IN GREEN BAY, WISCONSIN, FOR LIGHTHOUSE PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 2759 of November 22, 1917, withdrawing two unsurveyed islands containing about two and one-half acres, known as Sister Islands, situated in Green Bay in Section 30, Township 32 North, Range 28 East, 4th P. M., Wisconsin for lighthouse purposes is hereby revoked.

This order shall not otherwise become effective to chance the status of such lands until 10:00 a. m. on November 12, 1948.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

SEPTEMBER 9, 1948.

[F. R. Doc. 48-8330; Filed, Sept. 16, 1948; 8:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[No. MC-C-329]

PART 170—COMMERCIAL ZONES

DAVENPORT, IOWA-ROCK ISLAND AND MOLINE, ILL., COMMERCIAL ZONE

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 3d day of September A. D. 1948.

Section 203 (b) (8) of the Interstate Commerce Act (49 U. S. C. 303 (b) (8)) and the transportation of passengers and property by motor vehicle, in interstate or foreign commerce, wholly within a municipality, or between contiguous municipalities, or within a zone adjacent to and commercially a part of any such municipality being under consideration, and good cause appearing therefor: *It is ordered*, That the delimitation of the Davenport, Iowa-Rock Island and Moline, Ill., Commercial Zone in the Commission's order of January 1, 1943 (41 M. C. C. 557, 49 CFR, Cum. Supp., 170.10), is hereby amended to read as follows:

§ 170.10 *Davenport, Iowa, Rock Island and Moline, Ill.* For the purpose of administration and enforcement of Part II of the Interstate Commerce Act, the zones adjacent to and commercially a part of Davenport, Iowa, Rock Island, and Moline, Ill., in which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such municipalities or zones, will be partially exempt from regulation under section 203 (b) (8) of the act are hereby determined to be coextensive and, to include and to be comprised of the following:

The municipalities of:
Carbon Cliff, Ill.
East Moline, Ill.
Milan, Ill.
Moline, Ill.
Rock Island, Ill.
Silvis, Ill.
Davenport, Iowa.
Bettendorf, Iowa.

That part of Iowa lying west of the municipal limits of Davenport, south of U. S. Highway 61, north of the Mississippi River, and east of the western boundary of the properties of the Dewey Portland Cement Co., at Linwood.

That part of Iowa lying east of the municipal limits of Bettendorf, south of U. S. Highway 67, west of a private road running from U. S. Highway 67 to the Riverside Power Plant of the Iowa-Illinois Gas & Electric Company, and north of the Mississippi River.

That part of Iowa north of Davenport in Davenport Township and within that portion of Sheridan Township north of Davenport Township within a line as follows: beginning at the point somewhat south and east of Mt. Joy Airport, where an unnumbered highway extending northwesterly to the site of Mt. Joy Airport crosses the northern boundary of Davenport Township and extending northwesterly along such highway to the southeastern corner of such airport, thence along the eastern, northern, and western boundaries of said airport to the southwestern corner thereof, and thence south in a straight line to the northern boundary of Davenport Township.

That part of Illinois lying south or east of the municipalities of Carbon Cliff, Silvis, East Moline, Moline, Rock Island, and Milan, within a line as follows: beginning at a point where Illinois Highway 2 crosses the southern municipal limits of Carbon Cliff and extending southerly along such highway to its junction with Colona Road, thence westerly along Colona Road to eastern boundary of South Moline Township, thence along the eastern and southern boundaries of South Moline Township to U. S. Highway 150, thence southerly along U. S. Highway 150 to the southern boundary of the Moline Airport, thence along the southern and western boundaries of the Moline Airport to Illinois Highway 92, and thence westerly along Illinois Highway 92 to the corporate limits of Milan.

That part of Illinois within ½ mile on each side of Rock Island County State Aid Route No. 9 extending southwesterly from the corporate limits of Milan for a distance of one mile, including points on such highway.

(49 Stat. 546; 49 U. S. C. 303 (b) (8))

It is further ordered, That this order shall become effective October 20, 1948, and shall continue in effect until further order of the Commission.

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-8345; Filed, Sept. 16, 1948; 8:48 a. m.]

PROPOSED RULE MAKING

FEDERAL POWER COMMISSION

[18 CFR, Parts 153, 154, 155, 250]

[Docket No. R-107]

ORDER FIXING DATE FOR ORAL ARGUMENT

NOTICE OF PROPOSED RULE MAKING

SEPTEMBER 10, 1948.

In the matter of amendment of regulations and approved forms under the Natural Gas Act, to prescribe revised rules governing form, composition, filing and posting of rate schedules and tariffs for the transportation or sale of natural gas subject to the jurisdiction of the Commission.

It appearing to the Commission that:

(a) Under date of June 15, 1948, the Commission gave notice that a public hearing would be held in this matter commencing September 20, 1948, and such notice was published in the FEDERAL REGISTER on June 22, 1948 (13 F. R. 3343-3344).

(b) A number of parties have availed themselves of the opportunity afforded to participate in such proposed hearing, and have filed notice of their intention to appear as required by said notice of June 15, 1948, as modified by a further notice issued under date of July 2, 1948, and published in the FEDERAL REGISTER on July 9, 1948 (13 F. R. 3820).

(c) A large number of those parties who filed such notice of intention to appear have since filed with the Commission their several motions requesting that the Commission hear oral argument on September 20, 1948, with respect to certain legal issues specified in the motions. It is further requested in such motions that the hearing for the presentation of evidence in this matter be postponed for a period of at least thirty days beyond September 20, 1948.

The Commission orders that:

(A) In lieu of the presentation of evidence heretofore set for September 20, 1948, those parties who have filed notice of intention to appear, as required by the notices referred to in paragraphs (a) and (b) above, will be heard in oral argument on all issues involved in this matter commencing at 10:00 a. m. (e. d. s. t.) on September 20, 1948, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(B) This will conclude the proceedings incident to this rule making unless otherwise determined by the Commission at the conclusion of such oral argument.

Date of issuance: September 13, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8332; Filed, Sept. 16, 1948; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 315]

[Ex Parte 146]

OIL FIELD EQUIPMENT, MARSHLANDS, LOUISIANA AND TEXAS

NOTICE OF PROPOSED RULE MAKING

SEPTEMBER 8, 1948.

By order of August 26, 1941, as subsequently modified, the Commission, Division 4, exempted from the requirements of Part III of the Interstate Commerce Act, until further order, contract carriers by water engaged in the leasing or chartering of vessels for the purpose of transporting machinery, materials, supplies, and equipment incidental to, or used in, the construction, development, operation, and maintenance of, facilities for, the discovery, development and production of, natural gas and petroleum, to and

from points in the marshland oil fields of Louisiana and Texas.

The American Waterways Operators, Inc., in petition filed April 20, 1948, asks the Commission to extend the territorial scope of the exemption to include points in the marshland oil fields of Alabama, Florida, and Mississippi. It is stated that the situation with respect to transportation in the exploration and production of oil in the new territory is substantially the same as that obtaining in the marshland oil fields of Louisiana and Texas. Letters in support of the petition have been received from nine water carriers and six oil companies.

Any interested persons may file with the Commission on or before October 15, 1948, memoranda or briefs containing their views as to the matter of extending the territorial scope of the exemption granted in this proceeding.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-8344; Filed, Sept. 16, 1948; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 31057]

NEVADA

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM THE NEWLANDS PROJECT

SEPTEMBER 10, 1948.

An order of the Bureau of Reclamation dated July 13, 1948, concurred in by the Director, Bureau of Land Management, August 5, 1948, revoked the Departmental Orders of July 2, and August 26, 1902, and July 9, 1904, so far as they withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following-described land in connection with the Newlands Project, Nevada, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

MOUNT DIABLO MERIDIAN

T. 19 N., R. 21 E.,
Sec. 2, W½ of lot 1 of NE¼, lot 2 of NE¼, lots 1 and 2 of NW¼, W½SW¼, and N½NE¼SW¼.

The lands are rough and hilly cut by ravines draining into the Truckee River.

At 10:00 a. m. on November 12, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from November 12, 1948, to February 11, 1949, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 23, 1948, to November 11, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on November 12, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on February 13, 1949, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from January 24, 1949, to February 12, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on February 13, 1949, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Carson City, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Carson City, Nevada.

MARION CLAWSON, *Director.*

[F. R. Doc. 48-8331; Filed, Sept. 16, 1948; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2390 et al.]

TRANS-PACIFIC AIRLINES, LTD., AND TRANS-AIR HAWAII, LTD.; INTRA-TERRITORIAL SERVICE IN HAWAII

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Trans-Pacific Airlines, Ltd., and Trans-Air Hawaii, Ltd., for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, authorizing the establishment of new air transportation services of persons, property, and mail within the Territory of Hawaii.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be heard October 4, 1948, at 10:00 a. m. (eastern standard time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated at Washington, D. C., September 10, 1948.

By the Civil Aeronautics Board.

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

[F. R. Doc. 48-8349; Filed, Sept. 16, 1948; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1051, G-1079]

EL PASO NATURAL GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 13, 1948.

In the matters of El Paso Natural Gas Company, Docket No. G-1051; Southern California Gas Company, and Southern Counties Gas Company of California, Docket No. G-1079.

Notice is hereby given that, on September 10, 1948, the Federal Power Commission issued its findings and order entered September 10, 1948, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8333; Filed, Sept. 16, 1948; 8:46 a. m.]

[Docket No. ID-504]

CHARLES E. KOHLHEPP

NOTICE OF AUTHORIZATION

SEPTEMBER 13, 1948.

Notice is hereby given that, on September 9, 1948, the Federal Power Commission issued its order entered September 8, 1948, in the above-designated matter, authorizing applicant to hold certain positions in the Wisconsin Public Service Company, et al., pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8334; Filed, Sept. 16, 1948; 8:46 a. m.]

[Docket No. ID-1105]

F. WAYNE SHARP

NOTICE OF AUTHORIZATION

SEPTEMBER 13, 1948.

Notice is hereby given that, on September 10, 1948, the Federal Power Commission issued its order entered September 8, 1948, in the above-designated matter, authorizing Applicant to hold certain positions in the Iowa Power and Light Company, et al., pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8335; Filed, Sept. 16, 1948; 8:47 a. m.]

[Project No. 1999]

WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

SEPTEMBER 13, 1948.

Public notice is hereby given that Wisconsin Public Service Corporation of 1029 North Marshall Street, Milwaukee 1, Wisconsin, has made application pursuant to the provisions of the Federal Power Act for license for constructed major Project No. 1999 known as the Wausau project located on the Wisconsin River consisting of two dams, one on the east and the other on the west side of Clarks Island in the city of Wausau; two power plants; a reservoir with normal elevation of 1,187.54 feet (W. P. S. datum 1922) and area of approximately 304 acres; guard locks consisting of three Tainter gates and stone and concrete dam sections about 1,000 feet upstream from the East Dam; and appurtenant facilities. The West Dam consists of powerhouse, Tainter gate, needle, and flashboard sections, with retaining walls at each end. The Wausau West power plant contains three generating units with total capacity of 7,987 horsepower and a switchboard and distribution equipment. The East Dam consists of needle, Tainter gate, rollway, and powerhouse sections. The Wausau East power plant contains one main generating unit with capacity of 1,700 horsepower.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before October 22, 1948, to the Federal Power Commission at Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-8352; Filed, Sept. 16, 1948; 8:49 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5565]

FLEX-O-GLASS MFG. CO. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 10th day of September A. D. 1948.

In the matter of Harold Warp, an individual doing business as Flex-O-Glass Manufacturing Company and also as Warp Brothers; Presba, Fellers and Presba, Inc., a corporation and Will B. Presba, Marquis M. Smith, Bert S. Presba and Vesta N. Rinnman, individuals.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Frank Hier, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Wednesday, September 29, 1948, at ten o'clock in the forenoon of that day (central standard time), in Room 1103, New Post Office Building, Chicago, Illinois.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-8350; Filed, Sept. 16, 1948; 8:48 a. m.]

[Docket No. 5500]

UNITED ARTISTS CORP. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 10th day of September A. D. 1948.

In the matter of United Artists Corporation, a corporation; Edward C. Raftery, individually and as President of said corporation; Mary Rogers, better known as Mary Pickford, Charles Chaplin and David O. Selznick, individually and as controlling stockholders in said corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Abner E. Lipscomb, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Tuesday, October 5, 1948, at nine o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-8351; Filed, Sept. 16, 1948; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1928]

TOLEDO EDISON CO.

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 10th day of September A. D. 1948.

The Toledo Edison Company ("Toledo"), a public utility subsidiary of Cities Service Company, a registered holding company, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of

1935, particularly 6 (a) thereof and Rule U-50 thereunder with respect to the following transaction:

Toledo proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $5,000,000 principal amount of First Mortgage Bonds, ----% Series, due 1978, to be issued under and secured by the company's presently existing Mortgage and Deed of Trust dated as of April 1, 1947, as supplemented by a Supplemental Indenture to be dated as of September 1, 1948. Toledo will add the net proceeds from the sale of the bonds to its general funds for the purpose of providing part of the new capital required for its construction program.

Toledo has requested that the bidding period provided by Rule U-50 be shortened to nine days and that the order with respect to said application become effective forthwith.

The application having been filed on August 19, 1948, and the last amendment thereto having been filed on September 10, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to the application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Public Utilities Commission of Ohio having authorized Toledo to issue a public invitation for bids for the purchase of said bonds and having required a report of the company with respect to the results of competitive bidding and a supplemental application of Toledo to the State Commission for consent and authority to issue and sell said bonds; and

The Commission finding with respect to said amended application that the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant the said amended application, subject to the terms and conditions hereinafter stated, and further deeming it appropriate to grant the request of Toledo to shorten the bidding period provided by Rule U-50 to nine days and that the order herein become effective forthwith:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act that said application, as amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions contained in Rule U-24 and subject to the additional conditions that the issue and sale of the proposed bonds shall not be consummated (a) until a further order of the Public Utilities Commission of Ohio expressly authorizing the issue and sale of said bonds be filed herein and (b) until the results of competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for this purpose.

It is further ordered, That, in accordance with the request of the applicant, the ten-day period for inviting bids as provided in Rule U-50, be, and hereby is, shortened to a period of not less than nine days.

By the Commission.

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

[F. R. Doc. 48-8339; Filed, Sept. 16, 1948; 8:47 a. m.]

WILLIAM MONROE LAYTON

ORDER POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 3d day of September 1948.

The Commission having by order of August 4, 1948, instituted proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether to revoke or suspend the broker-dealer registration of William Monroe Layton, P. O. Box 493, Centralia, Illinois, and the commencement of the hearing in the said proceedings being now scheduled for September 10, 1948 at 2:00 p. m.; and

Counsel for the Division of Trading and Exchanges of the Commission having requested that the date for the commencement of the hearing be postponed to October 7, 1948; and

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

It is ordered, That the date for commencing the hearing be and the same is hereby postponed to October 7, 1948, at 2:00 p. m.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8337; Filed, Sept. 16, 1948; 8:47 a. m.]

[File No. 70-1938]

BUFFALO NIAGARA ELECTRIC CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of September 1948.

Notice is hereby given that Buffalo Niagara Electric Corporation ("Buffalo Niagara"), a subsidiary of Niagara Hudson Power Corporation, which in turn is a subsidiary of the United Corporation, has filed an application pursuant to the Public Utility Holding Company Act of 1935. The application designates the third sentence of section 6 (b) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than September 20, 1948, at 5:30 p. m., e, d, s. t., request in writing that a hearing be held with respect to said application, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said application which he desires to controvert, or may request in writing that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 20, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

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

Buffalo Niagara proposes to issue its promissory notes from time to time during the calendar year 1948 in a principal amount not to exceed $5,000,000, pursuant to the provisions of an amendment dated August 17, 1948, to a loan agreement dated December 19, 1947, between Buffalo Niagara and certain banks, said promissory notes to bear interest at the rate of 2½% per annum and to be due December 31, 1950: *Provided, however*, That Buffalo Niagara may prepay at any time any part or all of such indebtedness.

The $5,000,000 of proceeds to be derived by Buffalo Niagara from said promissory notes are to be applied to the cost of the construction, completion, extension, and improvement of its plant, property, and facilities. The application states that the issue and sale of the $5,000,000 principal amount of promissory notes are subject to the jurisdiction of the Public Service Commission of the State of New York, and that a copy of such Commission's order to be entered with respect thereto will be supplied by amendment.

Applicant requests the Commission's order be issued as soon as practicable and become effective immediately upon the issuance thereof.

By the Commission.

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

[F. R. Doc. 48-8338; Filed, Sept. 16, 1948; 8:47 a. m.]

[File No. 70-1940]

CENTRAL NEW YORK POWER CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of September 1948.

Notice is hereby given that Central New York Power Corporation ("Central New York"), a subsidiary of Niagara Hudson Power Corporation, which in turn is a subsidiary of the United Corporation, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935. The application designates the third sentence of section 6 (b) of the

Act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than September 20, 1948, at 5:30 p. m., e. d. s. t., request in writing that a hearing be held with respect to said application, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said application which he desires to controvert, or may request in writing that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 20, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

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

Central New York proposes to issue its promissory notes from time to time during the calendar year 1948 in the principal amount of not to exceed $5,000,000, pursuant to the provisions of an amendment dated August 17, 1948, to a loan agreement dated December 19, 1947, between Central New York and certain banks. Said promissory notes are to bear interest at the rate of 2½% per annum and are to be due December 31, 1950, subject to the right of Central New York to prepay at any time any part or all of such indebtedness. Pursuant to the provisions of the original loan agreement dated December 19, 1947, under which Central New York was permitted to borrow an aggregate amount of $10,000,000, it has issued $5,000,000 of notes and proposes the issuance of the remaining $5,000,000 by September 15, 1948.

As with the $10,000,000 covered by the original loan agreement, the $5,000,000 of proceeds to be derived by Central New York from the proposed issuance and sale of the notes are to be used to apply to the cost of construction, completion, extension, and improvement of its plant, property and facilities. The application states that the issue and sale of the $5,000,000 principal amount of promissory notes is subject to the jurisdiction of the Public Service Commission of the State of New York, and that a copy of such Commission's order to be entered with respect thereto will be supplied by amendment.

Applicant requests the Commission's order be issued as soon as practicable and become effective immediately upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-8341; Filed, Sept. 16, 1948; 8:47 a. m.]

[File No. 70-1941]

MIDDLE WEST CORP. AND KENTUCKY UTILITIES CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of September A. D. 1948.

Notice is hereby given that The Middle West Corporation ("Middle West"), a registered holding company, and its subsidiary, Kentucky Utilities Company ("Kentucky"), a public utility company, have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"). The applicants-declarants have designated sections 6 (a), 6 (b), 9, 10, and 11 (b) (2) of the act and Rule U-43 of the general rules and regulations promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any person may, not later than September 23, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 23, 1948, said application-declaration may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Kentucky proposes to issue and sell 125,000 shares of its common stock of the par value of $10 to Middle West for a consideration of $1,250,000 payable in cash. It is stated that the net proceeds of the sale of such common stock will be used by Kentucky for additions and extensions to its electric utility plant and system.

The filing states that Middle West, whose stockholders have adopted a resolution to liquidate and dissolve the company, intends to distribute to its own stockholders its holdings of the common stock of Kentucky and that the acquisition of the additional 125,000 shares of the Kentucky common stock will facilitate this distribution by making possible a distribution on the basis of one share of Kentucky common stock for each two shares of Middle West common stock.

The proposed issue and sale have been submitted for approval to the Public Service Commission of Kentucky, the only State commission having jurisdiction over the proposed transaction.

The applicants-declarants request that the Commission's order granting the application and permitting the declaration to become effective be issued not later than October 1, 1948, and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-8342; Filed, Sept. 16, 1948; 8:48 a. m.]

[File No. 7-1036]

ST. LAWRENCE CORP. LTD.

FINDINGS AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of August A. D. 1948.

The New York Curb Exchange has made application under Rule X-12F-2 (b) for a determination that the First Cumulative Convertible Redeemable Preferred Shares, Par Value $49.00, and the Second Cumulative Redeemable Preferred Shares, Par Value $1.00, of St. Lawrence Corporation Limited, a Canadian corporation undergoing reorganization, are substantially equivalent to the Class A 4% Cumulative Convertible Preferred Shares, Par Value $50.00, of that company, which have been outstanding and have been admitted to unlisted trading privileges on the applicant exchange since May 16, 1930.

Section 12 (f) of the Securities Exchange Act of 1934 provides that a national securities exchange, upon application to and approval of such application by the Commission, * * * (1) may continue unlisted trading privileges to which a security had been admitted on such exchange prior to March 1, 1934; or (2) may extend unlisted trading privileges to any security duly listed and registered on any other national securities exchange * * *; or (3) may extend unlisted trading privileges to any security in respect of which there is available from a registration statement and periodic reports or other data filed * * * under the Securities Exchange Act of 1934, or the Securities Act of 1933, information substantially equivalent to that available in respect of a security duly listed and registered on a national securities exchange.

Since the St. Lawrence Corporation Limited has no securities listed or registered on any national securities exchange, and has never filed with the Commission a registration statement pursuant to the Securities Act of 1933, the New York Curb Exchange may not have unlisted trading privileges in the First Cumulative Convertible Redeemable Preferred Shares, Par Value $49.00, or in the Second Cumulative Redeemable Preferred Shares, Par Value $1.00, of St. Lawrence Corporation Limited, except in the event that these be deemed securities admitted to unlisted trading privileges on this exchange prior to March 1, 1934. Under section 12 (f) of the act the Commission has adopted Rule X-12F-2 which provides for an application by an exchange to the Commission for a determination whether a security admitted

to unlisted trading privileges that has been changed by an issuer is thereafter substantially equivalent to the security theretofore admitted to unlisted trading privileges.[1] If the Commission determines that the security after such change is substantially equivalent to the security theretofore admitted to unlisted trading privileges, the rule provides that the security as changed shall be deemed to be the security theretofore admitted to unlisted trading privileges.

The St. Lawrence Corporation Limited has been in the process of reorganization effected by means of a "Proposal of Compromise or Arrangement dated May 17, 1948" between the issuer and the holders of its two classes of stock heretofore outstanding, the Class A 4% Cumulative Convertible Preferred Shares, Par Value $50.00, and the Common Stock, without par value. This proposal was approved by the holders of each class of stock on July 7, 1948.

As of June 30, 1948, the arrearages in dividends on the preferred stock amounted to $22.00 per share. In the proxy solicitation of June 8, 1948, from St. Lawrence Corporation Limited to its preferred and common stockholders, the statement of shareholders' concessions and benefits involved in the reorganization includes "paving of the way for dividends on the new common shares depending upon the future earning power and financial condition of the corporation." Under the terms of reorganization, the preexisting Class A 4% Cumulative Convertible Preferred Shares, Par Value $50.00, are extinguished, together with all rights pertaining thereto, including the right to $22.00 accumulated arrearages in dividends (except for $2.00 presently to be disbursed in cash); and two new classes of preferred stock are created. Of the single class of preferred stock previously outstanding, there have been 264,401 shares outstanding. Upon surrender and cancellation of the certificates representing these shares, each shareholder is entitled for each share to receive

(1) Two Dollars ($2.00) in cash by way of dividend;

(2) One (1) share of new First Cumulative Convertible Redeemable Preferred Shares of the par value of $49.00, carrying a dividend of $2.00 per annum cumulative from July 1, 1948 and redeemable at $55.00 per share except upon any liquidation; and

(3) One (1) share of new Second Cumulative Redeemable Preferred Shares of the par value of $1.00, carrying a dividend of $0.75 per annum cumulative from July 1, 1948, and entitling the holder to the payment of $20.00 in the event either of redemption or of liquidation.

The former single issue of preferred stock was convertible, each share being convertible into two (2) shares of common stock. The new first preferred stock is likewise convertible upon the same terms, each share being convertible into two (2) shares of common stock. Both the old and the new first preferred stock have been entitled to one vote per share at shareholders' meetings. However, upon default in the payment of dividends on the new first preferred, its holders have the right to elect one-third of the members of the board of directors, a right which the holders of the old preferred stock did not have.

The new second preferred stock is not convertible and does not have a vote except upon default in its dividends, at which time it has the right to elect one-third of the members of the board of directors. In addition, the new second preferred stock is entitled to have set up out of net earnings a sinking fund of $125,000 quarterly, plus one-half of any remaining net earnings, to be applied to the regular redemption of outstanding second preferred shares by call. The second preferred stock enjoys the usual attributes of second preferred stock in that it is subordinate to the first preferred stock both with respect to right to receive dividends and with respect to participation in assets upon liquidation; however, its right to dividends, and to participate in distribution of assets upon liquidation, is prior to that of the common stock. Inasmuch as the Second Cumulative Redeemable Preferred Shares have a par value of $1.00 per share and there will be 264,401 shares outstanding, the proposed capitalization of the new company after the reorganization will show these shares at a total value of $264,401. However, since each share entitles the holder to the payment of $20.00 either in the event of redemption or of liquidation, these shares of second preferred stock represent a priority over the common stock in the amount of $5,288,020 instead of $264,401. There are 582,593 shares of common stock outstanding, which under the terms of reorganization will be changed from no par value to $1.00 par value, and in the capitalization of the company will represent the same figure as before of $582,593.

The "Proposal of Compromise or Arrangement dated the 17th day of May, 1948" provides that there will be inserted in the Letters Patent and Supplementary Letters Patent (the Canadian equivalent of a corporate charter) of St. Lawrence Corporation Limited the following provisions:

(a) No holder of any shares of this company shall be entitled as of right to purchase or subscribe for any part of any unissued or unallotted shares of the company or any additional shares of any class to be issued, or allotted, or any bonds, debentures, or other certificates convertible into shares.

(b) Any unissued or unallotted shares of the company, or securities convertible into shares, may be issued and allotted by the directors to such persons, firms, corporations or associations at such times, in such manner, for such consideration, and upon such terms and conditions as the directors in their discretion may determine, without offering any thereof to the shareholders then of record or to any class of shareholders on the same terms or on any terms.

(c) The company may grant rights or options to subscribe for, purchase, or otherwise acquire shares of any class of its authorized share capital or its bonds, debentures or other obligations, and may issue warrants or other instruments in bearer or registered form to evidence such rights or options. Such rights or options shall be exercisable upon such terms and conditions as the directors may determine, provided that nothing in this provision shall be deemed to authorize the issuance of shares of any class having a par value for less than their par value.

(d) The company may pay a commission to any person in consideration of his subscribing or procuring subscriptions, whether absolute or conditional, for any shares of the company, provided that such commission shall not exceed fifteen per cent (15%) of the amount realized by the company upon the sale of such shares.

(e) The directors may (other than in connection with dividends on preferred shares or other shares issued with special dividend conditions) from time to time capitalize any amounts which they might lawfully distribute by way of dividends in money, and in respect of the amount so capitalized they may declare stock dividends and issue therefor shares of the share capital of the company as fully paid or partially paid, or may credit the amount of such dividends on shares already issued but not fully paid, and the liability of the holders of such shares shall be reduced by the amount of such dividends.

The description that has been given of the issue of First Cumulative Convertible Redeemable Preferred Shares, Par Value $49.00, emanating from the reorganization shows that its rights in

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[1] The full text of Rule X-12F-2, entitled "Changes in Securities Admitted to Unlisted Trading Privileges", is as follows:

(a) Any security admitted to unlisted trading privileges on a national securities exchange although changed in one or more of the following respects:

(1) Title of such security or the name of the issuer;

(2) The maturity, interest rate, and/or outstanding aggregate principal amount of an issue of bonds, debentures or notes;

(3) The par value, dividend rate, number of shares authorized and/or the outstanding number of shares of a stock;

shall, nevertheless, be deemed to be the security theretofore admitted to unlisted trading privileges on such exchange. Such exchange shall notify the Commission in writing of any such change promptly after learning thereof.

(b) Any security admitted to unlisted trading privileges on a national securities exchange in respect of which there is effected any change other than those specified in paragraph (a) of this rule shall, nevertheless, be deemed to be the security theretofore admitted to unlisted trading privileges on such exchange, provided the Commission shall have determined, upon application by such exchange, that the security after such change is substantially equivalent to the security theretofore admitted to unlisted trading privileges.

Such application shall be filed in triplicate, shall be in the form prescribed for registration statements by Rule X-2 and shall contain the following information:

(1) Title of security.

(2) Name of issuer.

(3) A brief but comprehensive description of each change proposed to be effected in such security, together with a copy of all written matter submitted to security holders relating to each such change.

many respects are similar to the rights that were attached to the Class A 4% Cumulative Convertible Preferred Shares, Par Value $50.00. To compensate for the right that has been severed from the old preferred stock to receive $22.00 arrearages in accumulated dividends before any dividends may be paid on common stock, the shareholder is given two dollars in cash and a share of a new series of preferred stock, carrying a dividend of $0.75 per annum, and entitling the holder to the payment of $20.00 in the event either of redemption or of liquidation. Shares of this new series of preferred stock would appear to be very different from shares of the preexisting single issue of preferred stock. Besides the other numerous differences that have been noted, the major difference is that this new series is subordinate both in respect to right to receive dividends and right to participate in the distribution of assets upon liquidation, to another issue of preferred stock. For these reasons, it appears that the new second preferred stock of St. Lawrence Corporation Limited is not substantially equivalent to the preferred stock of this company that has been admitted to unlisted trading privileges on applicant exchange since May 16, 1930.

Accordingly it is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the First Cumulative Convertible Redeemable Preferred Shares, Par Value $49.00, of St. Lawrence Corporation Limited are hereby determined to be substantially equivalent to the Class A 4% Cumulative Convertible Preferred Shares, Par Value $50.00, of that company heretofore admitted to unlisted trading privileges on the applicant exchange.

It is further ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the Second Cumulative Redeemable Preferred Shares, Par Value $1.00, of St. Lawrence Corporation Limited are hereby determined not to be substantially equivalent to the Class A 4% Cumulative Convertible Preferred Shares, Par Value $50.00, of that company heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-8340; Filed, Sept. 16, 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 11581]

HERMAN G. PERSKE

In re: Estate of Herman G. Perske, deceased. File No. D-28-4131; E. T. sec. 7250.

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 Eleanor Schulze, also known as Eleanor Perske Schulze, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Herman G. Perske, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Gottlieb Buechler, as executor, acting under the judicial supervision of the County Court in and for the County of Sheridan, McClusky, North Dakota;

and it is hereby determined:

4. 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 July 2, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8357; Filed, Sept. 16, 1948; 8:49 a. m.]

[Vesting Order 11590]

GERD WALLMAN

In re: Estate of Gerd Wallman, deceased. File No. D-28-12360; E. T. sec. 16593.

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 Jurgen Wallman and Gerhard Wallman, 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 in and to the Estate of Gerd Wallman, 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 John Wallman, as administrator, acting under the judicial supervision of the County Court of Kearney County, Nebraska;

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 July 2, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8358; Filed, Sept. 16, 1948; 8:49 a. m.]

[Vesting Order 11591]

LOUIS WALLMAN ET AL.

In re: Louis Wallman et ux vs. Johanna Wallman, et al. File No. D-28-12360; E. T. sec. 16593.

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 Jurgen Wallman and Gerhard Wallman, 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 sub-paragraph 1 hereof in and to the proceeds of real property sold in a partition proceeding entitled Louis Wallman et ux vs. Johanna Wallman, et al, in the District Court of Kearney County, Nebraska, 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 Fred S. Martin, as referee, acting under the judicial supervision of the District Court of Kearney County, Nebraska;

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 July 2, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8359; Filed, Sept. 16, 1948; 8:49 a. m.]

[Vesting Order 11765]

REINHOLD BERNDT

In re: Estate of Reinhold Berndt, deceased. File No. D-28-9906; E. T. sec. 14018.

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 Theodor(e) Berndt, Marie Berndt, Antonie Hase, Ernst Bieck, Anna Brezinski, Paul Hohense(e), George Hohense(e), and Minna Ditschkowski, whose last known address was, on May 18, 1948, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Theodor Berndt, who, on May 18, 1948, there was reasonable cause to believe were residents of Germany, were on such date nationals of a designated enemy country (Germany);

3. That the sum of $14.39 was paid to the Attorney General of the United States by the First National Bank of Minneapolis, executor of the Estate of Reinhold Berndt, deceased;

4. That the said sum of $14.39 was accepted by the Attorney General of the United States on May 18, 1948, pursuant to the Trading With the Enemy Act, as amended;

5. That the said sum of $14.39 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:

6. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees, and distributees, names unknown, of Theodor Berndt were not within a designated enemy country on May 18, 1948, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

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 August 3, 1948.

For the Attorney General.

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

[F. R. Doc. 48-8360; Filed, Sept. 16, 1948; 8:49 a. m.]

[Vesting Order 11793]

EMELIE HAUFFE

In re: Estate of Emelie Hauffe, deceased. File No. D-28-12025; E. T. sec. 16213.

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 Mary Frankenstien, Ida Kutschke, Rudolph Pioch, Ottillia Reddel, and Emma Krischke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $394.53 was paid to the Attorney General of the United States by Emma Schneider, Executrix of the Estate of Emelie Hauffe, deceased;

3. That the said sum of $394.53 was accepted by the Attorney General of the United States on June 18, 1948, pursuant to the Trading with the Enemy Act, as amended;

4. That the said sum of $394.53 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 August 4, 1948.

For the Attorney General.

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

[F. R. Doc. 48-8361; Filed, Sept. 16, 1948; 8:49 a. m.]

[Vesting Order 11846]

LOUISE UTRECHT ET AL.

In re: Louise Utrecht et al. v. Christian Raissle et al. File No. D-28-9980; E. T. sec. 14166.

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 Christian Raissle (Raisle), Gottlob Raissle, a/k/a Gottlieb Raisle, Rosine Raissle (Raisle) Gartner, Katharine Raissle (Raisle) Fix, Gottlieb Kubler, Marie (Mary) Kubler, Kathrine Kubler, Christine Kubler Haist, and Johann (Johannes) Kubler, whose last known address was, on May 6, 1948, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $2,882.85 was paid to the Attorney General of the United States by the Clerk of the District Court of Franklin County, Kansas;

3. That the said sum of $2,882.85 was accepted by the Attorney General of the United States on May 6, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $2,882.85 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 were not within a designated enemy country on May 6, 1948, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

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 August 18, 1948.

For the Attorney General.

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

[F. R. Doc. 48-8362; Filed, Sept. 16, 1948; 8:49 a. m.]

[Vesting Order 11939]

CLARA BACHER

In re: Estate of Clara Bacher, deceased. File No. D-28-12105; E. T. sec. 16316.

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 Otto Liebert, Mrs. Frida Reinhold and Mrs. Johanna Reich, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Robert Liebert, deceased, and of Emma Liebert, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

5. 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 Clara Bacher, 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 John J. King, administrator d. b. n. c. t. a., acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof, and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Robert Liebert, deceased, and of Emma Liebert, 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 2, 1948.

For the Attorney General.

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

[F. R. Doc. 48-8363; Filed, Sept. 16, 1948; 8:49 a. m.]

[Vesting Order 11956]

HERMANN I. A. DORNER

In re: Stock owned by Hermann I. A. Dorner, also known as Herman I. A. Dorner and as Herman Dorner. D-28-7854-D-11.

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 Hermann I. A. Dorner, also known as Herman I. A. Dorner and as Herman Dorner, whose last known address is Hindenburgstrasse 25, Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Five (5) shares of no par value common capital stock of L. A. Young Spring & Wire Corporation, 9200 Russell Street, Detroit 11, Michigan, a corporation organized under the laws of the State of Michigan evidenced by Certificate Number D01073 registered in the name of Herman I. A. Dorner, together with all declared and unpaid dividends thereon and together with all sums heretofore paid to the Attorney General of the United States by L. A. Young Spring & Wire Corporation as dividends on the above-described shares of stock, said sums being presently in the possession of the Attorney General of the United States in Account Number 28-15587,

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 2, 1948.

For the Attorney General.

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

[F. R. Doc. 48-8323; Filed, Sept. 15, 1948; 8:50 a. m.]

[Vesting Order 11962]

HAJIME NAGAMATSU

In re: Stock owned by Hajime Nagamatsu, also known as H. Nagamatsu. F-39-6112-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 Hajime Nagamatsu, also known as H. Nagamatsu, whose last known address is Kumamoto-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Fifteen (15) shares of $5 par value common capital stock of Honolulu Soda Water Co., Ltd., 844 Mokauea Street, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by certificates numbered 408 for five (5) shares and 794 for ten (10) shares, registered in the name of Hajime Nagamatsu, 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 (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 re-

quires 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 2, 1948.

For the Attorney General.

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

[F. R. Doc. 48-8320; Filed, Sept. 15, 1948; 8:49 a. m.]

[Vesting Order 11994]

ISAMI ISERI

In re: Cattle owned by Isami Iseri.

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 Isami Iseri, 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: Eleven (11) head of cattle, located on certain real property known as the Iseri farm, near Dabob, County of Jefferson, State of Washington, which real property was heretofore vested by Vesting Order 11307, dated June 1, 1948,

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

and it is hereby determined:

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

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

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, 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 7, 1948.

For the Attorney General.

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

[F. R. Doc. 48-8322; Filed, Sept. 15, 1948; 8:49 a. m.]

[Vesting Order 11995]

HERTA LUISE AMMANN

In re: Cash owned by Herta Luise Ammann. F-28-28965.

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 Herta Luise Ammann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Cash in the sum of $701.55, 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, 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 7, 1948.

For the Attorney General.

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

[F. R. Doc. 48-8364; Filed, Sept. 16, 1948; 8:50 a. m.]

[Vesting Order 11996]

HUGO GUSTAV BARTIG

In re: Hugo Gustav Bartig, also known as Hugo Bartig. F-28-4403-E-2.

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 Hugo Gustav Bartig, also known as Hugo Bartig, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Cash in the sum of $725.95, 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, 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 7, 1948.

For the Attorney General.

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

[F. R. Doc. 48-8365; Filed, Sept. 16, 1948; 8:50 a. m.]

[Vesting Order 12000]

I. MARUI

In re: Bank account owned by I. Marui, also known as I. Inoue. D-39-6601-E-2.

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 I. Marui, also known as I. Inoue, whose last known address is Japan, is a resident of Japan and a na-

tional of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to I. Marui, also known as I. Inoue, by Pajaro Valley Savings Bank, Watsonville, California, arising out of a savings account, Account Number 2283, entitled I. Marui, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

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

[F. R. Doc. 48-8366; Filed, Sept. 16, 1948; 8:50 a. m.]

[Vesting Order 12001]

LILLY ALEXA RYCKEN

In re: Debt owing to Lilly Alexa Rycken. F-28-26150-A-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 Lilly Alexa Rycken, whose last known address is Bismarck Strasse 67 Charlottenburg, Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Lilly Alexa Rycken, by Anheuser-Busch, Inc., 721 Pestoluzzi St., St. Louis 18, Missouri, in the amount of $165.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

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

[F. R. Doc. 48-8367; Filed, Sept. 16, 1948; 8:50 a. m.]

[Vesting Order 12004]

HANS J. BAR

In re: Bank account owned by Hans J. Bar. F-28-9181-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 Hans J. Bar, whose last known address is Lauberheimers Platz 3, P. O. Box 63, Berlin Wilmersdorf 1, British Sector, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hans J. Bar, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Checking Account entitled Hans J. Bar, maintained at the branch office of the foresaid bank located at 17 East 42nd Street, New York, New York, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

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

[F. R. Doc. 48-8368; Filed, Sept. 16, 1948; 8:50 a. m.]

[Vesting Order 12006]

KARIN MATHISSON

In re: Debt owing to Karin Mathisson.

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 Karin Mathisson, whose last known address is Frankfurt/Main, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York in the amount of $250 as of May 26, 1948, presently on deposit with the aforesaid bank in a blocked account entitled Union Bank of Switzerland, Zurich, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto,

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 Karin Mathisson, 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 prop-

erty 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 7, 1948.

For the Attorney General.

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

[F. R. Doc. 48-8369; Filed, Sept. 16, 1948; 8:50 a. m.]

[Vesting Order 12011]

RUDOLF REDMANN

In re: Bank account owned by Rudolf Redmann. F-28-9090-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 Rudolf Redmann, whose last known address is Muehlheim-Ruhr, Styrum, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Rudolf Redmann, by The First National Bank of Chicago, Chicago, Illinois, arising out of a savings account, account number 1,364,355, entitled Rudolf Redmann, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

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

[F. R. Doc. 48-8370; Filed, Sept. 16, 1948; 8:50 a. m.]

[Vesting Order 12018]

JULIUS L. GILLARDON

In re: Estate of Julius L. Gillardon, deceased. File No. D-28-12354; E. T. Sec. 16571.

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 Frederick Karl Gillardon, Emma Helen Ammann, Wilhelm August Gillardon, Amalie Maria Gut and Herman Karl Gillardon, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Herman Karl Gillardon, 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 Julius L. Gillardon, 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 Ben H. Brown, 524 North Spring Street, Los Angeles 12, California, as Administrator, acting under the judicial supervision of the Superior Court of California, County of Los Angeles, Los Angeles, California;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Herman Karl Gillardon 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, is 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 8, 1948.

For the Attorney General.

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

[F. R. Doc. 48-8324; Filed, Sept. 15, 1948; 8:50 a. m.]

[Vesting Order 12020]

WILLIAM RIEDEL

In re: Estate of William Riedel, deceased. File No. D-28-12412; E. T. sec. 16624.

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 Frieda Opitz and Minna Lydia Richter, 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 William Riedel, 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 Ben H. Brown, Public Administrator of Los Angeles County, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

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 September 8, 1948.

For the Attorney General.

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

[F. R. Doc. 48-8325; Filed, Sept. 15, 1948; 8:50 a. m.]