

FEDERAL REGISTER

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Washington, Thursday, August 31, 1950

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY AND GENERAL SERVICES ADMINISTRATION

1. Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the Department of the Army, paragraph (b) of § 6.105 is amended by the addition of subparagraph (4) as set out below, effective upon publication in the **FEDERAL REGISTER**.

§ 6.105 Department of the Army

(b) Office of the Secretary . . .

(4) Until June 30, 1952, a Special Assistant to the Secretary of the Army (Occupied Territories), and a Deputy Special Assistant to the Secretary of the Army (Occupied Territories).

2. Under authority of § 6.1 (d) of Executive Order 9830, and with the concurrence of General Services Administration, paragraph (g) of § 6.133 is hereby revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

(SEAL) L. A. MOYER,
Executive Director.

[F. R. Doc. 50-7626; Filed, Aug. 30, 1950; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; GEORGIA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein

set forth; and § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), is amended by adding said counties, average values, and investment limits to the tabulations appearing in said section under the State of Georgia.

GEORGIA

County	Average value	Investment limit
Chattahoochee	\$7,500	\$7,500
Clinch	7,000	7,000
Glynn	10,000	10,000
Muscogee	9,000	9,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interpretations or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 25th day of August 1950.

(SEAL) CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7603; Filed, Aug. 30, 1950; 8:47 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; GEORGIA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

GEORGIA

County	Average value	Investment limit
Atkinson	\$8,000	\$8,000
Bacon	10,000	10,000
Baker	9,000	9,000
Baldwin	10,000	10,000
Banks	9,000	9,000
Barrow	11,000	11,000

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GEORGIA—Continued

County	Average value	Investment limit
Bartow	\$10,000	\$10,000
Ben Hill	10,000	10,000
Bleckley	9,500	9,500
Brooks	12,000	12,000
Bulloch	12,000	12,000
Burke	11,000	11,000
Butts	10,000	10,000
Calhoun	10,000	10,000
Carroll	9,000	9,000
Catoosa	10,000	10,000
Cherokee	8,500	8,500
Clarke	12,000	12,000
Clay	11,000	11,000
Clayton	8,500	8,500
Coffee	12,000	12,000
Colquitt	12,000	12,000
Cook	10,500	10,500
Coweta	10,000	10,000
Crawford	10,000	10,000
Crisp	9,000	9,000
Dade	12,000	12,000
Dawson	7,500	7,500
Decatur	10,000	10,000
DeKalb	10,000	10,000
Dodge	9,000	9,000
Dooly	9,000	9,000
Douglas	8,500	8,500
Early	12,000	12,000
Echols	6,000	6,000
Effingham	8,000	8,000
Elbert	12,000	12,000
Emanuel	10,000	10,000
Fannin	9,000	9,000
Fayette	8,500	8,500
Franklin	12,000	12,000
Fulton	10,000	10,000
Gilmer	8,500	8,500
Glascock	9,000	9,000
Gordon	10,000	10,000
Grady	10,000	10,000
Greene	12,000	12,000
Gwinnett	12,000	12,000
Habersham	9,000	9,000
Hall	10,000	10,000
Harrison	8,500	8,500
Harris	8,000	8,000
Hart	12,000	12,000
Heard	7,500	7,500
Henry	10,000	10,000
Houston	8,500	8,500
Irwin	10,000	10,000
Jackson	10,000	10,000
Jasper	10,000	10,000
Jefferson	10,000	10,000
Jenkins	12,000	12,000
Johnson	10,000	10,000
Jones	11,000	11,000
Lamar	12,000	12,000
Lanier	10,000	10,000
Laurens	10,000	10,000
Lee	10,000	10,000
Lincoln	8,500	8,500
Lowndes	10,500	10,500
Lumpkin	9,000	9,000
McDuffie	10,000	10,000
Macon	8,500	8,500
Madison	12,000	12,000
Marion	7,000	7,000
Meriwether	9,500	9,500
Miller	10,000	10,000
Mitchell	11,000	11,000
Monroe	12,000	12,000
Montgomery	10,000	10,000
Morgan	12,000	12,000
Murray	8,500	8,500
Newton	10,000	10,000
Oconee	12,000	12,000
Oglethorpe	10,000	10,000
Paulding	8,500	8,500
Peach	10,000	10,000
Pickens	8,500	8,500
Pierce	10,000	10,000
Pike	8,500	8,500

GEORGIA—Continued

County	Average value	Investment limit
Polk	\$10,000	\$10,000
Pulaski	9,000	9,000
Putnam	10,000	10,000
Quitman	8,500	8,500
Randolph	11,000	11,000
Rockdale	9,000	9,000
Schley	8,000	8,000
Screven	10,000	10,000
Seminole	11,500	11,500
Spalding	10,000	10,000
Stephens	10,000	10,000
Stewart	9,500	9,500
Sumter	9,000	9,000
Talbot	8,500	8,500
Taliaferro	11,000	11,000
Taylor	8,000	8,000
Telfair	10,000	10,000
Tift	12,000	12,000
Toombs	10,000	10,000
Towns	9,000	9,000
Treutlen	10,000	10,000
Troup	9,500	9,500
Turner	10,000	10,000
Upson	12,000	12,000
Walker	12,000	12,000
Walton	10,000	10,000
Ware	10,000	10,000
Warren	12,000	12,000
Webster	9,000	9,000
Wheeler	10,000	10,000
White	9,000	9,000
Whitfield	10,000	10,000
Wilcox	9,000	9,000
Wilkes	12,000	12,000
Wilkinson	10,000	10,000
Worth	11,000	11,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 25th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[P. R. Doc. 50-7604; Filed, Aug. 30, 1950; 8:47 a. m.]

PART 331—PROCESSING DIRECT LOANS

SUBPART A—COUNTY OFFICE ROUTINE

LOANS TO OWNERS OF NEWLY IRRIGATED FARMS AND TO HOMESTEAD ENTRYMEN

Subpart A of Part 331 in Title 6, Code of Federal Regulations (13 F. R. 9410), is amended to add §§ 331.12 and 331.13 as follows:

§ 331.12 *Deferment of first installment for repayment of Farm Ownership loans made to owners of newly irrigated farms within Federal reclamation projects.* (a) Public Law 361, 81st Congress, authorizes the deferment of the first installment for the repayment of any loan made under Title I of the Bankhead-Jones Farm Tenant Act, as amended, to the owner of a newly irrigated farm within a Federal reclamation project. All policies, procedures, and delegations of authority which apply to direct Farm Ownership loans will be observed in processing such loans to the owners of such farms, except as provided in paragraph (d) of this section.

(b) When a Farm Ownership loan is made for the purchase, enlargement, or development of a newly irrigated farm within a Federal reclamation project, the first installment on the loan may be deferred one year from the first March 31 following the date of the borrower's loan check provided that the present debt-paying capacity of the farm as indicated on Form FHA-14, "Farm and Home Plan," makes such deferment necessary because of the time required to develop

the land or reorganize the farm operation.

(c) For the purposes of this section, the following shall be deemed to be newly irrigated farms:

(1) A farm within a Federal reclamation project which will be converted from predominantly dry land farming operations, including land which has not been previously farmed because of a lack of irrigation, to predominantly irrigated farming with the proceeds of a Farm Ownership loan.

(2) A farm the irrigable acreage of which has been irrigated by water from a Federal reclamation project for not more than three full irrigation seasons next preceding the date of application for a Farm Ownership loan, which farm has not yet produced the first cash crop for market.

(3) A farm within a Federal reclamation project which is to be made up of a tract presently owned which has been operated predominantly as an irrigated farm but which needs enlargement and substantial additional irrigation development with the proceeds of a Farm Enlargement loan in order to be an economic family-size farm-management unit.

(d) If the farm is a newly irrigated farm within a Federal reclamation project and the County Supervisor determines that deferment of the first installment is justified in accordance with paragraph (b) of this section, the following exceptions to existing procedures will apply to the preparation of forms:

(1) When preparing Form FHA-190, "Promissory Note," delete the words "thirty-nine" which appear on line 9 concerning number of installments and insert the words "thirty-eight." The amount of the annual installment to be inserted in line 9 will be computed by multiplying the amount of the loan by .05106.

(2) In completing Form FHA-190 and preparing Form FHA-497, "Notification of First Payment Date," in connection with the closing of the loan, the year of the first installment will be the year next succeeding the year of the first March 31 following the date of the borrower's loan check, and the amount of the first installment, not to exceed 5.106 percent of the loan, will be determined in accordance with the applicable provisions of §331.11.

(Sec. 41, 60 Stat. 1068; 7 U. S. C. 1015. Interprets or applies secs. 1, 3, 44, 48, 60 Stat. 1072, 1074, 1069, 1070, sec. 1, 62 Stat. 534, sec. 1, Pub. Law 361, 81st Cong., 63 Stat. 823; 7 U. S. C. 1001, 1003, 1018, 1022, 1006a)

§ 331.13 *Making Farm Ownership loans to homestead entrymen.* (a) Public Law 361, 81st Congress, authorizes the making of direct Farm Ownership loans to eligible homestead entrymen on unpatented public lands, including public land within Federal reclamation projects and in Alaska, for any purpose authorized by and in accordance with the provisions of title I of the Bankhead-Jones Farm Tenant Act, as amended. It also authorizes the deferment of the first installment, as provided in paragraph (b) of this section, for the repayment of any such loan.

(b) When a Farm Ownership loan is made to a homestead entryman, the first installment on the loan may be deferred one year from the first March 31 following the date of the borrower's loan check provided that the present debt paying capacity of the farm as indicated on Form FHA-14, "Farm and Home Plan," makes such deferment necessary because of the time required to develop the land or reorganize the farm operation.

(c) The extension of financial assistance authorized in paragraph (a) of this section will be facilitated through the cooperation of the Farmers Home Administration, the Bureau of Land Management, and the Bureau of Reclamation.

(d) Consistent with Farm Ownership policy, loans to homestead entrymen will include sufficient funds to put the farm in livable and operable condition at the outset, to provide needed water facilities, and when necessary, to provide for refinancing (1) the outstanding balances of any existing mortgages against the entryman's interests in the farm, (2) any construction or operation and maintenance charges, or irrigation district charges against the land which are due at the time of loan closing, (3) the outstanding balance of any land leveling contract between the entryman and the Bureau of Reclamation, and (4) any taxes legally assessed against the farm which are due at the time of loan closing. If any items other than those specified above are to be refinanced, the prior approval of the Administrator will be required on an individual case basis.

(e) Existing Farm Ownership policies, procedures, and loan approval authorities pertaining to the processing of direct Farm Ownership loans will be complied with except as provided in paragraphs (e), (f), and (g) of this section.

(1) An application for a Farm Ownership loan from a homestead entryman entering public land not within a reclamation project will be considered only after the entryman has selected a farm and received his allowance of entry from the Bureau of Land Management. The original document showing allowance of entry must be attached to Form FHA-197, "Application for FHA Services."

(2) An application for a Farm Ownership loan from a homestead entryman entering public land within a reclamation project will not be considered until after the entryman has received a certificate of eligibility from the Bureau of Reclamation and has selected a farm. If at the time of making application for a Farm Ownership loan the entryman has received his allowance of entry from the Bureau of Land Management, he will attach the original of such document to Form FHA-197. If the entryman has not yet received his allowance of entry, a copy of his certificate of eligibility must be attached to Form FHA-197. However, the Farm Ownership loan docket will not be submitted to the State Field Representative for approval until the original document showing allowance of entry has been received from the applicant and placed in the loan docket.

(3) At the time of making application for a Farm Ownership loan, the homestead entryman will authorize the

Farmers Home Administration in writing to secure from the Bureau of Land Management or the Bureau of Reclamation any available information concerning his application for homestead or reclamation entry which may be used by the Farmers Home Administration in determining his eligibility for a Farm Ownership loan. This information will be treated as confidential by the Farmers Home Administration. The signed authorization will be attached to the County Supervisor's written request to the Superintendent of the Reclamation Project or the Manager of the District Land Office for information about the homestead entryman which will be used in determining his eligibility for a Farm Ownership loan. It will not be necessary for the County Supervisor to request the Bureau of Reclamation or the Bureau of Land Management to furnish such information in those instances in which the applicant has resided for several years in the general vicinity of the entry and the needed information can be obtained locally.

(f) Except as provided in this paragraph, loan docket forms including Form FHA-190, and Form FHA-643, "Farm Development Plan," will be prepared and distributed in accordance with §§ 331.1 to 331.11.

(1) If the County Supervisor determines that deferment of the first installment is justified in accordance with paragraph (b) of this section, Form FHA-190 will be prepared to provide for such deferment. In such a case, delete the words "thirty-nine" which appear on line 9 concerning number of installments and insert the words "thirty-eight." The amount of the annual installment to be inserted in line 9 will be computed by multiplying the amount of the loan shown on line 5 by .05106.

(2) A copy of Form FHA-643 will be prepared in every case for the Bureau of Land Management. When the entryman's farm is located within a reclamation project, any land development items listed on Form FHA-643 must be consistent with the over-all plans for development of the reclamation project. Consequently, when Form FHA-643 provides for the leveling of land or the installation of farm distribution and surface drainage systems, another copy will be prepared for the Bureau of Reclamation. If the land development plans for the unit conflict with the over-all plans for development of the reclamation project, officials of the Bureau of Reclamation will so advise the County Supervisor, and the County Supervisor will initiate any necessary changes in Form FHA-643 by change-order in accordance with § 324.44 of this chapter.

(3) The entryman-applicant will be required to furnish and pay for a certified statement prepared by a qualified attorney which will include the attorney's findings with respect to any outstanding land leveling contracts and any other claims of any kind on record against the entry. This certified statement will be included in the loan docket. When there is an outstanding land leveling contract, the applicant's copy of such contract will also be included in the loan docket. The copy of the contract will be

returned to the applicant after the loan is closed.

(g) Except as provided in this paragraph, Farm Ownership loans to homestead entrymen will be closed in accordance with § 331.11.

(1) Special mortgage forms will be received with the closing instructions from the representative of the Office of the Solicitor.

(2) In completing Form FHA-190 and preparing Form FHA-497 in connection with the closing of the loan when the first installment on the loan is to be deferred, the year of the first installment will be the year next succeeding the year of the first March 31 following the date of the borrower's loan check, and the amount of the first installment, not to exceed 5.106 percent of the loan, will be determined in accordance with the applicable provisions of § 331.11.

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 1, 3, 44, 48, 54, 60 Stat. 1072, 1074, 1069, 1070, 1071, sec. 1, 62 Stat. 534, sec. 1, Pub. Law 361, 81st Cong., 63 Stat. 883, 7 U. S. C. 1001, 1003, 1018, 1022, 1028, 1006a)

DERIVATION: §§ 331.2 and 331.13 contained in Administration Letter 164, dated August 16, 1950.

Dated: August 18, 1950.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: August 25, 1950.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7606; Filed, Aug. 30, 1950; 8:47 a. m.]

Subchapter E—Account Servicing

PART 364—SETTLEMENT

SUBPART A—COMPROMISE, ADJUSTMENT, AND CANCELLATION OF DEBTS OWED THE FARMERS HOME ADMINISTRATION

DEBT SETTLEMENT ACTION IN NATIONAL OFFICE

Section 364.9 in Title 6, Code of Federal Regulations (14 F. R. 6972), is amended to read as follows:

§ 364.9 *Debt settlement action in the National Office.* The Deputy Administrators; the Assistant Administrators; the Director, Production Loan Division; the Director, Farm Ownership Division; and the Chief, Debt Adjustment Section, Production Loan Division, severally and not jointly, subject to the general supervision of the Administrator, may do all things the Administrator is required or empowered to do in connection with the debt settlement activities and operations in the National Office, pursuant to the act of Congress, approved December 20, 1944 (58 Stat. 836; 12 U. S. C. 1150), the Farmers Home Administration Act of 1946, approved August 14, 1946, as amended (60 Stat. 1062; 7 U. S. C. 1000), the act of Congress, approved April 6, 1949 (63 Stat. 43, 12 U. S. C. 1148a-1), title V of the Housing Act of 1949 (63 Stat. 432, 42 U. S. C. 1471), and the transfer agreements with the various State Rural Rehabilitation Corporations. Such functions include but are not limited

to the approval and disapproval of applications for the compromise, cancellation, and adjustment of debts pursuant to the within named acts and transfer agreements.

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies sec. 1, 58 Stat. 836; 12 U. S. C. 1150)

Dated: August 16, 1950.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: August 25, 1950.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7606; Filed, Aug. 30, 1950; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Burley and Flue-51) 3]

PART 725—BURLEY AND FLUE-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1951-52 MARKETING YEAR

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725.228 Application for review.

AUTHORITY: §§ 725.211 to 725.228 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies secs. 301, 313, 363, 52 Stat. 38, 47, 63, as amended; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 725.211 *Basis and purpose.* The regulations contained in §§ 725.211 to

725.228, are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1951 farm acreage allotments and normal yields for Burley and flue-cured tobacco. The purpose of the regulations in §§ 725.211 to 725.228 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for Burley and flue-cured tobacco for the 1951-52 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 725.211 to 725.228, public notice (15 F. R. 4750) was given in accordance with the Administrative Procedure Act (60 Stat. 237). The data, views, and recommendations pertaining to the regulations in §§ 725.211 to 725.228, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 725.212 *Definitions.* As used in §§ 725.211 to 725.228, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Committees.* (1) "Community committee" means the group of persons elected within a community as the community committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the community.

(2) "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(b) *Farm.* "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(c) *New farm.* "New farm" means a farm on which tobacco will be produced in 1951 for the first time since 1945.

(d) *Old farm.* "Old farm" means a farm on which tobacco was produced in one or more of the five years 1946 through 1950.

(e) *Cropland.* "Cropland" means farm land which in 1950 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(f) *Community cropland factor.* "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1950 into the total of the 1950 tobacco acreage allotment for such old farms: *Provided*, That, if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community.

(g) *Acreage indicated by cropland.* "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(h) *Operator.* "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(i) *Person.* "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(j) *Tobacco.* "Tobacco" means Burley tobacco, type 31, or flue-cured tobacco, types 11, 12, 13, and 14, as classified in Service and Regulatory Announcement No. 118 (7 CFR, Part 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or both as indicated by the context.

(k) *Acre of tobacco.* "Acre of tobacco" means 43,560 square feet of land devoted to tobacco by being uniformly covered with tobacco plants notwithstanding that the width of the rows of tobacco may vary from the width of rows which are customary for the kind of tobacco involved and without regard to interplanted crops.

§ 725.213 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 725.214 *Instruction and forms.* The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production,

Production and Marketing Administration.

§ 725.215 *Applicability of §§ 725.211 to 725.228.* Sections 725.211 to 725.228 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1951, in the case of Burley tobacco, and July 1, 1951, in the case of flue-cured tobacco.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 725.216 *Determination of 1951 preliminary acreage allotments for old farms.* The preliminary acreage allotment for an old farm shall be the 1950 allotment with the following exceptions:

(a) If the acreage of tobacco harvested on the farm in each of the three years 1948-50 was less than 75 percent of the farm acreage allotment for each of such years, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1946-50: *Provided*, That any such preliminary allotment shall not exceed the 1950 allotment for such farm or be less than 0.1 acre: *And provided further*, That the preliminary allotment may be increased to as much as the 1950 allotment if the county committee determines that failure to harvest as much as 75 percent of the allotted acreage during any one of the three years 1948-50 was due to service in the armed forces on the part of labor regularly engaged in producing tobacco on the farm prior to entry into the armed forces.

(b) If no 1950 allotment was established for the farm, the preliminary allotment shall be the smaller of (1) the average acreage of tobacco harvested on the farm in the five years 1946-50, or (2) the acreage obtained by multiplying the farm's average acreage for the five years 1946-50 by the ratio of the farm's actual yield to the 1949 county average yield: *Provided*, That such preliminary allotment shall not be less than 0.1 acre.

(c) If the acreage of tobacco harvested on the farm in 1950 exceeded the 1950 allotment by more than 10 percent, the preliminary allotment shall be the 1950 allotment plus the smaller of (1) one-fifth of the excess acreage, or (2) the acreage obtained by multiplying one-fifth of the excess acreage by the ratio of the farm's actual yield to the 1949 county average yield.

(d) The preliminary allotment shall not exceed 80 percent of the acreage of cropland on the farm.

(e) The preliminary allotments determined under paragraph (b) or (c) of this section shall not exceed the smallest of (1) 90 percent of the acreage indicated by cropland, except that, if the farm on which the acreage of tobacco harvested on the farm in 1950 exceeded the 1950 allotment is the only farm in the county on which tobacco is grown, the community cropland factor of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland, (2) 20 percent of

the acreage of cropland on the farm in the case of flue-cured, or (3) the acreage capacity of curing barns located on the farm and suitable for curing tobacco, which in the case of flue-cured tobacco shall be 3.5 acres per barn: *Provided*, That no preliminary allotment shall be reduced below the 1950 allotment because of these factors.

§ 725.217 *1951 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 725.216 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 725.218 shall not exceed the State acreage allotment: *Provided*, That in the case of Burley tobacco, any farm acreage allotment shall be increased if necessary to the smaller of (a) the 1950 allotment, or (b) 0.9 acre.

§ 725.218 *Adjustment of acreage allotments for old farms.* The farm acreage allotment for an old farm may be increased within the limits stated in paragraph (e) of § 725.216, such limits to be applied to the sum of the preliminary allotment and the increase under this section, if the community committee, with the approval of the county committee, finds that the preliminary acreage allotment is relatively small on the basis of the land, labor, and equipment available for the production of tobacco; crop-rotation practices; and other cash crops produced on the farm, or that reduction of such allotment under paragraph (a) of § 725.216 was the result of abnormal weather conditions or plant bed diseases: *Provided, however*, That any allotment may be increased above the limits stated in paragraph (e) of § 725.216 if the community committee and the county committee find that the preliminary allotment is relatively smaller in relation to the land, labor, and equipment available for the production of tobacco on the farm than the preliminary allotments for other old farms in the community which are similar with respect to such factors. The acreage available for increasing allotments under this section shall not exceed one-half of one percent of the total acreage allotted to all tobacco farms in the State for the 1950-51 marketing year.

§ 725.219 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.*

(a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1951 shall be reduced, except that such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due and in the event of refusal or failure for any reason to furnish such

proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) Any reduction shall be made with respect to the 1951 farm acreage allotment, provided it can be made prior to the delivery of the marketing card to the farm operator. If the reduction cannot be so made effective with respect to the 1951 crop, such reduction shall be made with respect to the farm acreage allotment next established for the farm. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction in the 1951 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

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

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

§ 725.220 *Reallocation of allotments released from farms removed from agricultural production.* The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm in the case of Burley tobacco, and 50 percent of the acreage of cropland on the farm in the case of flue-cured tobacco.

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

§ 725.221 *Farms divided or combined.* (a) If land operated as a single farm in 1950 will be operated in 1951 as two or more farms, the 1951 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of tobacco in each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year, except that if the farm to be divided in 1951 resulted from a combination of two separate and distinct farms prior to a combination in 1946 or any subsequent year, the allotment may be divided among such farms in the same proportion that each contributed to the farm acreage allotment: *Provided*, That with the recommendation of the county committee and approval of the State committee, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1951 acreage

allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1950 are combined and operated in 1951 as a single farm, the 1951 allotment shall be the sum of the 1951 allotments determined for each of the farms composing the combination or, in the case of Burley tobacco, if smaller, the allotment determined or which would have been determined for the farm as constituted in 1951.

(c) If a farm is to be divided in 1951 in settling an estate, the allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee may prescribe.

§ 725.222 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1945-49, (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 725.223 *Determination of acreage allotments for new farms.* The acreage allotment, other than an allotment made under § 725.220, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed in the case of Burley tobacco 50 percent of the allotments for old Burley farms which are similar with respect to land, labor and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco; and in the case of flue-cured tobacco, the smaller of (a) 15 percent of the cropland in the farm including land from which a cultivated crop was harvested in 1950 or (b) 75 percent of the allotment for old flue-cured tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

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

(1) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a share cropper, tenant, or as a farm operator during two of the past five years: *Provided*, however, That

a farm operator who was in the armed services during World War II shall be deemed to have met the requirements hereof if he has had experience in growing the kind of tobacco for which an allotment is requested during one year either within the five years immediately prior to his entry into the armed services or since his discharge from the armed services.

(2) The farm operator shall live on and be largely dependent for his livelihood on the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the owner or farm operator for which a Burley or flue-cured tobacco allotment is established for the 1951-52 marketing year; and

(4) The farm will not have a 1951 allotment for any kind of tobacco other than that for which application is made hereunder.

The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-half of one percent of the 1951 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 726.224 Time for filing application. An application for a new farm allotment shall be filed with the county committee prior to February 1, 1951, unless the farm operator was discharged from the armed services subsequent to December 31, 1950, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 726.225 Determination of normal yields. The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 726.226 Determination of acreage allotments and normal yields for farms returned to agricultural production. (a) Notwithstanding the foregoing provisions of §§ 726.211 to 726.225, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production in 1951 or which was returned to agricultural production in 1950 too late for the 1950 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases

and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1951 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 726.227 Approval of determinations made under §§ 726.211 to 726.226. The State committee will review all allotments and yields and may correct or require correction of any determinations made under §§ 726.211 to 726.226. All acreage allotments and yields shall be approved by the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by the State committee.

§ 726.228 Application for review. Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the county committee to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (7 CFR, Part 711) which are available at the office of the county committee.

Done at Washington, D. C., this 28th day of August 1950. Witness my hand and seal of the Department of Agriculture.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7643; Filed, Aug. 30, 1950;
8:52 a. m.]

[1023 (Fire, Air, and Sun-51) 3]

PART 726—FIRE-CURED, DARK AIR-CURED,
AND VIRGINIA SUN-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1951-52
MARKETING YEAR

GENERAL

Sec.

726.211 Basis and purpose.

726.212 Definitions.

726.213 Extent of calculations and rule of fractions.

Sec.

726.214 Instructions and forms.

726.215 Applicability of §§ 726.211 to 726.228.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

726.216 Determination of 1951 preliminary acreage allotments for old farms.

726.217 1951 old farm tobacco acreage allotment.

726.218 Adjustment of acreage allotments for old farms.

726.219 Reduction of acreage allotments for violation of the marketing quota regulations for a prior marketing year.

726.220 Reallocation of allotments released from farms removed from agricultural production.

726.221 Farms divided or combined.

726.222 Determination of normal yields.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

726.223 Determination of acreage allotments for new farms.

726.224 Time for filing application.

726.225 Determination of normal yields.

MISCELLANEOUS

726.226 Determination of acreage allotments and normal yields for farms returned to agricultural production.

726.227 Approval of determinations made under §§ 726.211 to 726.226.

726.228 Application for review.

AUTHORITY: §§ 726.211 to 726.228 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies secs. 301, 313, 363, 52 Stat. 38, 47, 63, as amended; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 726.211 Basis and purpose. The regulations contained in §§ 726.211 to 726.228, are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1951 farm acreage allotments and normal yields for fire-cured, dark air-cured, and Virginia sun-cured tobacco. The purpose of the regulations in §§ 726.211 to 726.228 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1951-52 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 726.211 to 726.228, public notice (15 F. R. 4750) was given in accordance with the Administrative Procedure Act (60 Stat. 237). The data, views, and recommendations pertaining to the regulations in §§ 726.211 to 726.228, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 726.212 Definitions. As used in §§ 726.211 to 726.228, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) **Committees.** (1) "Community committee" means the group of persons elected within a community as the community committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the community.

(2) "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(b) *Farm*. "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(c) *New farm*. "New farm" means a farm on which tobacco will be produced in 1951 for the first time since 1945.

(d) *Old farm*. "Old farm" means a farm on which tobacco was produced in one or more of the five years 1946 through 1950.

(e) *Cropland*. "Cropland" means farm land which in 1950 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(f) *Community cropland factor*. "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1950 into the total of the 1950 tobacco acreage allotment for such old farms: *Provided*, That, if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community.

(g) *Acreage indicated by cropland*. "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(h) *Operator*. "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(i) *Person*. "Person" means an individual, partnership, association, corporation, estate or trust or other business

enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(j) *Tobacco*. "Tobacco" means fire-cured tobacco, types 21, 22, 23, and 24; dark air-cured tobacco, types 35 and 36; or Virginia sun-cured tobacco, type 37, as classified in Service and Regulatory Announcement No. 118 (7 CFR, Part 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or all such kinds of tobacco as indicated by the context.

§ 726.213 *Extent of calculations and rule of fractions*. All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 726.214 *Instructions and forms*. The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 726.215 *Applicability of §§ 726.211 to 726.228*. Sections 726.211 to 726.228 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1951.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 726.216 *Determination of 1951 preliminary acreage allotments for old farms*—(a) *Fire-cured and dark air-cured tobacco*. The preliminary acreage allotment for an old farm shall be the 1950 allotment with the following exceptions:

(1) If the acreage of tobacco harvested on the farm in each of the three years 1948-50 was less than 75 percent of the farm acreage allotment for each of such years, the preliminary allotment shall be the larger of (i) the largest acreage of tobacco harvested on the farm in any one of such three years, or (ii) the average acreage of tobacco harvested on the farm in the five years 1946-50: *Provided*, That any such preliminary allotment shall not exceed the 1950 allotment for such farm or be less than 0.1 acre: *And provided further*, That the preliminary allotment may be increased to as much as the 1950 allotment if the county committee determines that failure to harvest as much as 75 percent of the allotted acreage during any one of the three years 1948-50 was due to service in the armed forces on the part of labor regularly engaged in producing tobacco on the farm prior to entry into the armed forces.

(2) If no 1950 allotment was established for the farm, the preliminary allotment shall be the smaller of (i) the

average acreage of tobacco harvested on the farm in the five years 1946-50, or (ii) the acreage obtained by multiplying the farm's average acreage for the five years 1946-50 by the ratio of the farm's actual yield to the 1949 county average yield: *Provided*, That such preliminary allotment shall not be less than 0.1 acre.

(3) If the acreage of tobacco harvested on the farm in 1950 exceeded the 1950 allotment by more than 10 percent, the preliminary allotment shall be the 1950 allotment plus the smaller of (i) one-fifth of the excess acreage, or (ii) the acreage obtained by multiplying one-fifth of the excess acreage by the ratio of the farm's actual yield to the 1949 county average yield.

(4) The preliminary allotment shall not exceed 80 percent of the acreage of cropland on the farm.

(5) The preliminary allotments determined under subparagraphs (2) or (3) of this paragraph shall not exceed the smaller of (i) 90 percent of the acreage indicated by cropland, except that, if the farm on which the acreage of tobacco harvested on the farm in 1950 exceeded the 1950 allotment is the only farm in the county on which tobacco is grown, the community cropland factor of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland, or (ii) the acreage capacity of curing barns located on the farm and suitable for curing tobacco: *Provided*, That no preliminary allotment shall be reduced below the 1950 allotment because of these factors.

(b) *Virginia sun-cured tobacco*. The preliminary acreage allotment for an old farm shall be the 1950 allotment with the following exceptions:

(1) If the acreage of tobacco harvested on the farm in each of the three years 1948-50 was less than 75 percent of the 1950 farm acreage allotment, the preliminary allotment shall be the larger of (i) the largest acreage of tobacco harvested on the farm in any one of such three years, or (ii) the average acreage of tobacco harvested on the farm in the five years 1946-50: *Provided*, That any such preliminary allotment shall not exceed the 1950 allotment for such farm or be less than 0.1 acre: *And provided further*, That the preliminary allotment may be increased to as much as the 1950 allotment if the county committee determines that failure to harvest as much as 75 percent of the 1950 allotted acreage during any one of the three years 1948-50 was due to service in the armed forces on the part of labor regularly engaged in producing tobacco on the farm prior to entry into the armed forces.

(2) If no 1950 allotment was established for the farm, the preliminary allotment shall be the smaller of (i) the average acreage of tobacco harvested on the farm in the five years 1946-50, or (ii) the acreage obtained by multiplying the farm's average acreage for the five years 1946-50 by the ratio of the farm's actual yield to the 1949 county average yield: *Provided*, That such preliminary allotment shall not be less than 0.1 acre.

(3) If the acreage of tobacco harvested on the farm in 1950 exceeded the 1950 allotment by more than 10 percent, the preliminary allotment shall be the

1950 allotment plus the smaller of (i) one-fifth of the excess acreage, or (ii) the acreage obtained by multiplying one-fifth of the excess acreage by the ratio of the farm's actual yield to the 1949 county average yield.

(4) The preliminary allotment shall not exceed 80 percent of the acreage of cropland on the farm.

(5) The preliminary allotments determined under subparagraphs (2) or (3) of this paragraph shall not exceed the smaller of (i) 90 percent of the acreage indicated by cropland, except that, if the farm on which the acreage of tobacco harvested on the farm in 1950 exceeded the 1950 allotment is the only farm in the county on which tobacco is grown, the community cropland factor of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland, or (ii) the acreage capacity of curing barns located on the farm and suitable for curing tobacco: *Provided*, That no preliminary allotment shall be reduced below the 1950 allotment because of these factors.

§ 726.217 *1951 old farm tobacco acreage allotment*. The preliminary allotments calculated for all old farms in the State pursuant to § 726.216 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 726.218 shall not exceed the State acreage allotment.

§ 726.218 *Adjustment of acreage allotments for old farms*. The farm acreage allotment for an old farm may be increased within the limits stated in subparagraphs (5) of paragraphs (a) and (b) of § 726.216, such limits to be applied to the sum of the preliminary allotment and the increase under this section, if the community committee, with the approval of the county committee, finds that the preliminary acreage allotment is relatively small on the basis of the land, labor, and equipment available for the production of tobacco; crop-rotation practices; and other cash crops produced on the farm, or that reduction of such allotment under subparagraphs (1) of paragraph (a) or (b), whichever is applicable, of § 726.216 was the result of abnormal weather conditions or plant bed diseases: *Provided, however*, That any allotment may be increased above the limits stated in subparagraph (5) of paragraphs (a) and (b) of § 726.216 if the community committee and the county committee find that the preliminary allotment is relatively smaller in relation to the land, labor, and equipment available for the production of tobacco on the farm than the preliminary allotments for other old farms in the community which are similar with respect to such factors. The acreage available for increasing allotments under this section shall not exceed one percent of the total acreage allotted to all tobacco farms in the State for the 1950-51 marketing year.

§ 726.219 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year*. (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the

acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1951 shall be reduced, except that such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

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

(c) Any reduction shall be made with respect to the 1951 farm acreage allotment, provided it can be made prior to the delivery of the marketing card to the farm operator. If the reduction cannot be so made effective with respect to the 1951 crop, such reduction shall be made with respect to the farm acreage allotment next established for the farm. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction in the 1951 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of tobacco for which

satisfactory proof of disposition has not been shown in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

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

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

§ 726.220 *Reallocation of allotments released from farms removed from agricultural production*. The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

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

§ 726.221 *Farms divided or combined*. (a) If land operated as a single farm in 1950 will be operated in 1951 as two or more farms, the 1951 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of tobacco in each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year, except that if the farm to be divided in 1951 resulted from a combination of two separate and distinct farms prior to a combination in 1946 or any

subsequent year, the allotment may be divided among such farms in the same proportion that each contributed to the farm acreage allotment: *Provided*, That with the recommendation of the county committee and approval of the State committee, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1951 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1950 are combined and operated in 1951 as a single farm, the 1951 allotment shall be the sum of the 1951 allotments determined for each of the farms composing the combination.

(c) If a farm is to be divided in 1951 in settling an estate, the allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee may prescribe.

§ 726.222 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1945-49, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 726.223 *Determination of acreage allotments for new farms.* The acreage allotment, other than an allotment made under § 726.220, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the allotments for old tobacco farms which are similar with respect to land, labor and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

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

(a) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a share cropper, tenant, or as a farm operator during two of the past five years: *Provided, however*, That a farm operator who was in the armed services during World War II shall be deemed to have met the requirements hereof if he has had experience in grow-

ing the kind of tobacco for which an allotment is requested during one year either within the five years immediately prior to his entry into the armed services or since his discharge from the armed services.

(b) The farm operator shall live on and be largely dependent for his livelihood on the farm covered by the application.

(c) The farm covered by the application shall be the only farm owned or operated by the owner or farm operator for which a fire-cured, dark air-cured or Virginia sun-cured tobacco allotment is established for the 1951-52 marketing year; and

(d) The farm will not have a 1951 allotment for any kind of tobacco other than that for which application is made hereunder.

The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-half of one percent of the 1951 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 726.224 *Time for filing application.* An application for a new farm allotment shall be filed with the county committee prior to February 1, 1951, unless the farm operator was discharged from the armed services subsequent to December 31, 1950, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 726.225 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 726.226 *Determination of acreage allotments and normal yields for farms returned to agricultural production.*

(a) Notwithstanding the foregoing provisions of §§ 726.211 to 726.225, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production in 1951 or which was returned to agricultural production in 1950 too late for the 1950 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired)

may be established as the 1951 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 726.227 *Approval of determinations made under §§ 726.211 to 726.226.* The State committee will review all allotments and yields and may correct or require correction of any determinations made under §§ 726.211 to 726.226. All acreage allotments and yields shall be approved by the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by the State committee.

§ 726.228 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the county committee to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (7 CFR Part 711) which are available at the office of the county committee.

Done at Washington, D. C., this 28th day of August 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7642; Filed, Aug. 30, 1950; 8:52 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreement and Orders), Department of Agriculture

PART 940—PEACHES GROWN IN THE COUNTY OF MESA IN COLORADO

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1950-51 FISCAL YEAR

Notice was published in the August 5, 1950, daily issue of FEDERAL REGISTER (15

F. R. 5058) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1950-51 fiscal year under the marketing agreement, as amended, and Order No. 40, as amended (7 CFR Part 940; 15 F. R. 5001) regulating the handling of peaches grown in the County of Mesa in Colorado, effective under the applicable provisions of 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 Administrative Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 940.202 *Expenses and rate of assessment for the 1950-51 fiscal year—(a) Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the fiscal year beginning March 1, 1950, will amount to \$6,750.00.

(b) *Rate of assessment.* The rate of assessment, which each handler shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at one cent (\$0.01) per bushel basket of peaches, or its equivalent of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the rate of assessment in accordance with the provisions of the amended marketing agreement and order, is applicable to all peaches shipped during the aforesaid fiscal year; (2) such shipments are subject to the regulatory provisions of Peach Order 2 (7 CFR 940.302; 15 F. R. 5069); and (3) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable said Administrative Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

As used in this section, the terms "handler," "shipped," "shipments," "peaches," and "fiscal year" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 28th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7645; Filed, Aug. 30, 1950; 8:52 a. m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR 957.1 et seq.), regulating the handling of Irish potatoes grown in Idaho and Malheur County, Oregon was published in the FEDERAL REGISTER (15 F. R. 4919). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the Idaho-Eastern Oregon Potato Committee (established pursuant to said agreement and order, as amended), the following rules and regulations are hereby approved.

§ 957.203 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order, as amended, and regulations duly issued thereunder, during the fiscal period ending May 31, 1951, will amount to \$22,000.00;

(b) The rate of assessment, to be paid by each handler who first ships potatoes shall be fifty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal period; and

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 28th day of August 1950, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7646; Filed, Aug. 30, 1950; 8:53 a. m.]

PART 975—MILK IN THE CLEVELAND, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

Sec. 975.0 Findings and determinations.

DEFINITIONS

975.1 Act.
975.2 Secretary.
975.3 Department of Agriculture.
975.4 Market Administrator.

Sec.
975.5 Person.
975.6 Cleveland, Ohio, marketing area.
975.7 Handler.
975.8 Producer.
975.9 Cooperative Association.
975.10 Nonhandler.
975.11 Producer-handler.
975.12 Pool plant.
975.13 Nonpool plant.
975.14 Other source milk.
975.15 Route.
975.16 Delivery period.

MARKET ADMINISTRATOR

975.20 Designation.
975.21 Powers.
975.22 Duties.

POOL PLANT

975.30 Designation.
975.31 Replacement.
975.32 Disqualification.

REPORTS, RECORDS, AND FACILITIES

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975.41 Other reports.
975.42 Records and facilities.
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CLASSIFICATION

975.50 Skim milk and butterfat to be classified.
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975.52 Shrinkage.
975.53 Transfers.
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975.55 Computation of the skim milk and butterfat in each class.
975.56 Allocation of butterfat classified.
975.57 Allocation of skim milk classified.

MINIMUM PRICES

975.60 Basic formula price.
975.61 Class I milk prices.
975.62 Class II milk prices.
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DETERMINATION OF UNIFORM PRICE

975.70 Computation of pool value for each handler operating a pool plant.
975.71 Location adjustments to handlers.
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PAYMENTS

975.80 Time and method of payment.
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975.85 Payments out of the producer-settlement fund.
975.86 Expense of administration.
975.87 Marketing services.
975.88 Cooperative association.
975.89 Adjustment of accounts.

MISCELLANEOUS PROVISIONS

975.90 Application of provisions.
975.91 Effective time.
975.92 Suspension or termination.
975.93 Continuing obligations.
975.94 Liquidation.
975.95 Agents.
975.96 Separability of provisions.
975.97 Termination of obligations.

AUTHORITY: §§ 975.0 to 975.97 issued under sec. 5, 49 Stat. 753 as amended; 7 U. S. C. and Sup. 608c.

§ 975.0 *Findings and determinations.* The findings and determinations herein-after set forth are supplementary and in addition to the findings and determinations previously made in connec-

tion with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cleveland, Ohio, on February 13-15, 1950, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended and as hereby further amended, which is marketed within the Cleveland, Ohio, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the said order, as amended, is

approved or favored by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during May 1950 (said month having been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Cleveland, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 975.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 975.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 975.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 975.60.

§ 975.4 *Market administrator.* "Market administrator" means the agency described in § 975.20.

§ 975.5 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 975.6 *Cleveland, Ohio, marketing area.* "Cleveland, Ohio, marketing area" hereinafter called the "marketing area," means all territory, including but not being limited to all municipal corporations, within Cuyahoga County, the township of Willoughby in Lake County, and the townships of Liverpool, Brunswick, Hinckley, York, Granger, Medina, Lafayette and Montville in Medina County; all in the State of Ohio.

§ 975.7 *Handler.* "Handler" means any person who: (a) Operates a pool plant; or (b) operates a nonpool plant and either directly or indirectly disposes of milk, skim milk, buttermilk, flavored milk, or flavored milk drinks: (1) On a route extending into the marketing area; or (2) to a pool plant described under § 975.30 which receives less than 50 percent of such plant's total receipts of skim milk and butterfat from producers or from other pool plants.

§ 975.8 *Producer.* "Producer" means any person with respect to milk produced by him having the approval of the health authority of any community in the marketing area for consumption as fluid milk in such community which milk is moved directly from his farm to:

(a) A pool plant (1) out of which a route is operated in such community, or (2) furnishing milk to another pool

plant out of which a route is operated in such community (but not including milk diverted from a nonpool plant for the account of such plant);

(b) A nonpool plant within April, May, June, or July for the account of a pool plant by diversion from a pool plant. Milk so diverted shall be deemed to have been received by the pool plant for whose account it was diverted; or

(c) A pool plant for the account of another pool plant by diversion from the latter pool plant. Milk so diverted shall be deemed to have been received by the pool plant for whose account it was diverted.

§ 975.9 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 975.10 *Nonhandler.* "Nonhandler" means any person not a handler who operates a nonpool plant.

§ 975.11 *Producer-handler.* "Producer-handler" means any person who:

(a) Produces milk but receives no milk from dairy farmers; and

(b) Operates a route extending into the marketing area.

§ 975.12 *Pool plant.* "Pool plant" means a plant designated pursuant to § 975.30.

§ 975.13 *Nonpool plant.* "Nonpool plant" means any milk manufacturing or processing plant not a pool plant.

§ 975.14 *Other source milk.* "Other source milk" means all skim milk and butterfat received at any pool plant other than from producers or other pool plants and all skim milk and butterfat received at a pool plant from any other pool plant in excess of the total amount received at the latter pool plant from producers.

§ 975.15 *Route.* "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, flavored milk, or flavored milk drink in fluid form to a wholesale or retail stop(s), including any eating place where such items are disposed of for consumption on or off the premises, other than a pool plant(s) or nonpool plant(s).

§ 975.16 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

MARKET ADMINISTRATOR

§ 975.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 975.21 *Powers.* The market administrator shall have the following powers with respect to this order:

RULES AND REGULATIONS

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 975.22 Duties. The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 975.86:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 975.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 975.40, or (2) payments pursuant to §§ 975.80, 975.84, 975.86, 975.87, or 975.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Upon request, supply on or before the 25th day after the end of each delivery period to each cooperative association not a handler with respect to producers whose membership in such cooperative association has been verified by the market administrator, a record of the pounds of milk received by each handler from member producers and the class utilization of such milk. For the purpose of this report such member milk shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were classified in each class;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any

other handler or nonhandler upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 6th day of such delivery period the minimum prices for skim milk and butterfat in Class I milk and Class II milk computed pursuant to §§ 975.61 and 975.62;

(2) On or before the 6th day after the end of such delivery period the minimum prices for skim milk and butterfat in Class III milk computed pursuant to § 975.63; and

(3) On or before the 14th day after the end of such delivery period the uniform price computed pursuant to § 975.73 and the butterfat differential computed pursuant to § 975.82; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

POOL PLANT

§ 975.30 Designation. Subject to the conditions set forth in §§ 975.31 and 975.32, a pool plant means any of the following plants, except a bottling plant operated by a producer-handler:

(a) A bottling plant which is:

(1) Located inside the marketing area and out of which a route is operated; or

(2) Located outside the marketing area with 10 percent or more of the aggregate weight of the skim milk and butterfat contained in its total route disposition of milk, skim milk, butter-milk, flavored milk, and flavored milk drink in fluid form on routes operated wholly or partially within the marketing area.

(b) A plant having approval of the appropriate health authority in the marketing area to supply milk to a pool plant described in paragraph (a) of this section and appearing on a list prepared and publicly announced by the market administrator for each delivery period not later than the 14th day after the end of such delivery period by posting in a conspicuous place in his office. Such list shall include:

(1) The following plants:

Location of plant (Feb. 1, 1946)	Operator of plant on Feb. 1, 1946
Ashland, Ohio.....	Cleveland Dairy Products Co. (Echo Dairy).
Conneaut, Ohio.....	Conneaut Creamery Co.
Dorset, Ohio.....	Dorset Milk Co.
East Liberty, Ohio.....	Dutchland Farms, Inc.
Tiffin, Ohio.....	Do.
Akron, Ohio (route 7).....	Mountrose Dairy Co.
Orrville, Ohio.....	Orrville Milk Condensing Co.
Trail, Ohio (P. O. Dundee, Ohio).....	Do.
Woodville, Ohio.....	Soeder's Sons Co.
Attica, Ohio.....	Telling-Belle Vernon Co.
Beloit, Ohio.....	Do.
Jefferson, Ohio.....	Do.
Prospect, Ohio.....	Do.
Rome, Ohio.....	Do.
Wellington, Ohio.....	Do.

Location of plant (Feb. 1, 1946)	Operator of plant on Feb. 1, 1946
Lodi, Ohio.....	United Dairy Co.
Wooster, Ohio.....	Wooster Farm Dairies Co.
Cleveland, Ohio.....	Milk Producers Federation of Cleveland; and

(2) A plant which either was a pool plant on August 31, 1948, or has become a pool plant pursuant to paragraph (c) of this section.

(c) A plant having approval of the appropriate health authority in the marketing area to do so which has, within the delivery period of January, February, or March, and within each of the five consecutive preceding delivery periods, furnished milk to a pool plant described in paragraph (a) of this section in an amount equal to 50 percent or more of its entire receipts of milk from dairy farmers during each such delivery period.

§ 975.31 Replacement. A plant which replaces a pool plant shall acquire immediately the pool plant status of the replaced plant if the operator thereof shows to the satisfaction of the market administrator that 50 percent or more of the dairy farmers delivering milk to it previously had been producers at the pool plant so replaced.

§ 975.32 Disqualification. A plant shall be disqualified as a pool plant under either of the following circumstances:

(a) Upon prior written request for disqualification made by the plant operator; such disqualification to be effective at the beginning of the first delivery period (following the market administrator's receipt of such request) within which no milk was furnished by such plant to a pool plant described in § 975.30 (a); or

(b) If such plant furnished to a pool plant described in § 975.30 (a) less than 10 percent of its dairy farm supply of milk in any month except April, May, June, or July and less than 50 percent of such supply during more than one of the months of October, November, December, and January: *Provided*, That upon receipt by the market administrator prior to the delivery period of a written request made by the handler, all pool plants operated by such handler shall be considered, for such delivery period, as one plant for the purpose of meeting the minimum percentage requirements of this paragraph: *And provided further*, That this paragraph shall not apply to the plant of the Milk Producers Federation of Cleveland.

REPORTS, RECORDS, AND FACILITIES

§ 975.40 Reports of receipts and utilization. On or before the 8th day after the end of each delivery period, each handler, except a producer-handler, shall report to the market administrator with respect to milk received from producers, other source milk received at a pool plant, skim milk and butterfat received in any form at a pool plant or at a nonpool plant from a pool plant, skim milk and butterfat received in any form at a nonpool plant engaged in the manufacture of ice cream or ice cream mix which is operated by such handler and

is located within the marketing area, and all skim milk and butterfat received in any form from all sources at a non-pool plant referred to in § 975.7 (b), in the detail and on forms prescribed by the market administrator:

(a) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) such receipts, and their sources;

(b) The utilization of such receipts; and

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 975.41 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such times and in such manner as the market administrator may request.

(b) On or before the 25th day after the end of each delivery period, each handler who received milk from producers shall submit to the market administrator his producer payroll for the delivery period, which shall show:

(1) The pounds of milk, and the percentage of butterfat contained therein, received from each producer;

(2) The amount and date of payment to each producer (or to a cooperative association not a handler which is authorized to collect payment for the milk of such producer); and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 975.42 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations, including those of his nonpool plants in which any milk is received from a pool plant or of his nonpool plants located within the marketing area in which ice cream or ice cream mix is manufactured, and such facilities as, in the opinion of the market administrator, are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization of all skim milk and butterfat required to be reported pursuant to § 975.40 or § 975.41 (a);

(b) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period;

(c) The weights and tests for butterfat and for other contents of all milk and milk products handled; and

(d) Payments to producers and to cooperative associations.

§ 975.43 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949; *Provided*, That if, within such three-year period or before October 1, 1949, whichever is applicable, the market

administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 975.50 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in milk, skim milk, and cream, or used to produce milk products, received from all sources by each handler at his (a) pool plant(s) and (b) non-pool plant(s) engaged in the manufacture of ice cream or ice cream mix and located within the marketing area, shall be classified separately (as skim milk or butterfat) pursuant to the following provisions of this section.

§ 975.51 *Classes of utilization.* Subject to the conditions set forth in §§ 975.53 and 975.54, skim milk and butterfat described in § 975.50 shall be classified by the market administrator on the basis of the following classes of utilization:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in fluid form as milk; skim milk or buttermilk (except for livestock feed); flavored milk or flavored milk drinks; or egg nog;

(2) Transferred as any item included in subparagraph (1) of this paragraph from a pool plant to the plant of a producer-handler, or transferred as any such item to a nonpool plant located more than 265 miles from the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator.

(3) Accounted for as any item not listed under subparagraph (1) of this paragraph or as Class II milk or Class III milk; or

(4) Such shrinkage on milk received from producers computed pursuant to paragraph (d) of § 975.52 which is in excess of 2 percent of such receipts.

(b) Class II milk shall be all skim milk and butterfat used to produce sweet or sour cream; any milk product not specified in Class I milk or Class III milk and containing 8 percent or more of butterfat; ice cream, imitation ice cream, and other frozen desserts and mixes for such products (liquid or powdered); or cottage cheese.

(c) Class III milk shall be all skim milk and butterfat:

(1) Used to produce butter; butter oil; cheese (except cottage cheese); bulk condensed skim milk or whole milk (sweetened or unsweetened); evaporated or condensed milk (or skim milk) in hermetically sealed cans; casein; nonfat dry milk solids, dry whole milk; condensed or dry buttermilk; whey; powdered malted milk; lactose; and skim

milk or buttermilk disposed of for livestock feed;

(2) In actual shrinkage of milk received from producers computed pursuant to paragraph (d) of § 975.52 but not in excess of 2 percent of such receipts; and

(3) In actual shrinkage of other source milk computed pursuant to paragraph (d) of § 975.52.

§ 975.52 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in milk received from producers and in other source milk received in the following manner: *Provided*, That milk of producers transferred by a handler to another handler and received at the latter's pool plant, or nonpool plant engaged in the manufacture of ice cream or ice cream mix and located within the marketing area, without first having been received for purposes of weighing and testing in the transferring handler's pool plant shall be included in the receipts at such plant of the second handler for the purpose of computing his plant shrinkage and shall be excluded from the receipts at the pool plant of the transferring handler in computing his plant shrinkage.

(a) Compute the total shrinkage of skim milk and butterfat, respectively, by (1) combining the shrinkage thereof for all pool plants operated by the handler, and (2) combining in a separate sum the shrinkage thereof for all nonpool plants operated by him to which any skim milk or butterfat has been transferred from any of his pool plants;

(b) Prorate the shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) (2) of this section, in such nonpool plants between (1) skim milk or butterfat, respectively, transferred from any of his pool plants, and (2) skim milk or butterfat, respectively, received from all other sources;

(c) Add to the shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) (1) of this section, the shrinkage on skim milk or butterfat, respectively, transferred from the handler's pool plant(s) to his non-pool plant(s) computed pursuant to paragraph (b) of this section; and

(d) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (c) of this section between that in milk received from producers and in other source milk at his pool plants, after deducting from the total receipts therein the receipts from pool plants other than his own.

§ 975.53 *Transfers.* Skim milk or butterfat transferred from a pool plant shall be classified as follows:

(a) As Class I milk if transferred as any item listed in paragraph (a) (1) of § 975.51, and as Class II milk if transferred as cream, to the pool plant of another handler, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer was made: *Provided*, That if either or both pool plants have received other source milk, such transfers shall be classified by the

market administrator at both plants so as to return the highest-valued class utilization to milk of producers: *Provided further*, That if transfers are made from a pool plant to more than one other pool plant any other source milk involved in such transfers shall be prorated by the market administrator among the transferee pool plants on the basis of the percentage which the other source milk transferred bears to the total quantity of transfers made pursuant to this subparagraph from the transferor plant.

(b) As Class I milk if transferred as any item listed in paragraph (a) (1) of § 975.51 and as Class II milk if transferred as cream, to a nonpool plant (except a plant described in paragraph (a) (2) of § 975.51), unless (1) other utilization is mutually indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 8th day after the end of the delivery period within which such transfer was made, (2) the receiver maintains books and records showing utilization of all skim milk and butterfat at his plant which are made available to the market administrator for audit, and (3) such receiving plant had actually used not less than an equivalent amount of skim milk or butterfat in the use indicated in such statement: *Provided*, That if such nonpool plant had not actually used an equivalent amount of skim milk or butterfat in such indicated use, the remaining pounds shall be classified in the next lower-priced available class of utilization as if the classes of utilization set forth in § 975.51 were applicable to such nonpool plants; or

(c) As Class I milk if transferred as bulk milk and as Class II milk if transferred as bulk cream to (1) a manufacturer of soup, candy or bakery products for use in such manufacturing operations, or (2) any retail establishment which disposes of milk in fluid form.

§ 975.54 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that classified pursuant to paragraph (a) (2) of § 975.51) in one class shall be reclassified if used or reused by such handler or by another handler in another class: *Provided*, That skim milk and butterfat used to produce cream may be reclassified to Class III milk if such cream is disposed of to a nonhandler and used by such nonhandler in the manufacture of butter and the receiver complies with the requirements of paragraph (b) (2) and (3) (except the proviso) of § 975.53.

§ 975.55 *Computation of the skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

§ 975.56 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class III milk (other than butterfat in butter), the pounds of butterfat shrinkage allowed pursuant to paragraph (c) (2) of § 975.51;

(b) For the delivery periods of October, November, December, and January, subtract from the pounds of butterfat in Class I milk, the smaller of the following:

(1) The pounds, if any, by which the butterfat in milk received from producers and pool plants is less than 110 percent of the pounds of butterfat in such handler's milk, skim milk, buttermilk, flavored milk and flavored milk drink classified as Class I milk (exclusive of any reconstituted skim milk) pursuant to paragraph (a) (1) of § 975.51, not including such Class I milk transferred to pool plants or to nonpool plants; or

(2) The pounds of butterfat in other source milk received.

(c) Subtract from the pounds of butterfat in other source milk, the pounds deducted pursuant to paragraph (b) of this section;

(d) Subtract from the pounds of butterfat remaining in each class, after making the deduction pursuant to paragraph (b) of this section, in series beginning with the lowest-priced utilization, the pounds of butterfat remaining in other source milk after making the deduction pursuant to paragraph (c) of this section;

(e) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received from other handlers in such classes pursuant to § 975.53; and

(f) Add to the remaining pounds of butterfat in Class III milk (other than butterfat in butter), the pounds subtracted pursuant to paragraph (a) of this section; or if the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced utilization.

§ 975.57 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 975.56.

MINIMUM PRICES

§ 975.60 *Basic formula price.* The basic formula price per hundredweight of milk to be used in determining the Class I milk price for each delivery period, pursuant to § 975.61, shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a), (b) and (c) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have

been reported to the market administrator by the Department of Agriculture or by the companies indicated below:

Company and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight resulting from the following formula:

(1) Multiply by 6 the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the delivery period as reported by the Department of Agriculture for the Chicago market.

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wis., for the trading days that fall within the delivery period.

(3) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5.

(c) The price per hundredweight computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average price of butter as computed in paragraph (b) (1) of this section, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the delivery period by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 975.61 *Class I milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, during the delivery period, which is classified as Class I milk, shall be as follows as computed by the market administrator:

(a) Add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	Amount
May and June.....	\$0.85
March, April, July, August.....	1.00
January, February, September, October, November, December.....	1.15

(b) The price of butterfat shall be the amount obtained in paragraph (a) of this section multiplied by 20: *Provided*,

That in no event shall the price of butterfat pursuant to this subparagraph be less than the price of butterfat computed pursuant to paragraph (a) of § 975.62.

(c) The price of skim milk shall be computed by (1) multiplying the price of butterfat pursuant to paragraph (b) of this section by 0.035; (2) subtracting such amount from the amount obtained in paragraph (a) of this section; (3) dividing such net amount by 0.965; and (4) rounding off to the nearest full cent.

§ 975.62 *Class II milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, during the delivery period, which is classified as Class II milk, shall be as follows as computed by the market administrator:

(a) The price of butterfat shall be the average price of butter as computed pursuant to paragraph (b) (1) of § 975.60 multiplied by 125: *Provided*, That the price per hundredweight of butterfat used to produce ice cream or ice cream mix shall be the Class III price for butterfat.

(b) The price of skim milk shall be the simple average (using the midpoint of any price range as one price) of the carlot prices per pound of spray process nonfat dry milk solids in barrels for human consumption at Chicago for the weeks ending within the delivery period as reported by the Department of Agriculture, less 5.5 cents, multiplied by 8.5.

§ 975.63 *Class III milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association during the delivery period, which is classified as Class III milk, shall be as follows, as computed by the market administrator:

(a) The price per hundredweight of butterfat shall be the average price of butter as computed pursuant to paragraph (b) (1) of § 975.60 multiplied by 120: *Provided*, That the price per hundredweight of butterfat used to produce butter or contained in shrinkage pursuant to paragraph (c) (2) of § 975.51 shall be such price less \$5.00.

(b) The price per hundredweight of skim milk shall be the weighted average of the carlot prices per pound of roller process nonfat dry milk solids in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as published for the delivery period by the Department of Agriculture less 5.5 cents, multiplied by 8.5: *Provided*, That the price of skim milk used to produce evaporated or condensed milk (or skim milk) in hermetically sealed cans shall be determined by (1) subtracting 8 cents from the price computed pursuant to paragraph (a) of § 975.60 and then subtracting an amount computed by multiplying by 0.035 the price of butterfat computed prior to the proviso in paragraph (a) of this section, and (2) dividing the result so obtained by 0.965.

DETERMINATION OF UNIFORM PRICE

§ 975.70 *Computation of pool value for each handler operating a pool plant.* Subject to the location adjustment provided by § 975.71, the pool value for each delivery period for each handler operating a pool plant shall be a sum of money computed by the market administrator by multiplying by the applicable prices for skim milk and butterfat in each class pursuant to §§ 975.61, 975.62 and 975.63 the skim milk and butterfat in milk received from producers according to their classification pursuant to §§ 975.56 and 975.57, and adding together the resulting amounts: *Provided*, That if such handler, after subtracting all receipts of skim milk and butterfat, respectively, other than in milk received from producers has a utilization of skim milk or butterfat greater than has been accounted for in milk received from producers, there shall be added a further amount equal to the quantity of such excess of skim milk or butterfat multiplied by the applicable prices: *And provided also*, That such handler shall be credited at the difference between the applicable class prices for skim milk and butterfat and the highest of the Class III prices for skim milk and butterfat, respectively, with respect to milk or cream disposed of in fluid form during April, May, June, or July, to a manufacturer of soup, candy, or bakery products for use in such manufacturing operations.

§ 975.71 *Location adjustments to handlers.* With respect to the actual weight of (a) milk, cream, or any other item named in Class I milk and Class II milk which is moved directly to the marketing area from a pool plant located outside the marketing area, and (b) Class I milk and Class II milk disposed of outside the marketing area from a pool plant so located, there shall be deducted, in the computation of the handler's pool value, the following amount per hundredweight thereof applicable for the location of such plant by shortest highway distance from the Public Square in Cleveland, Ohio, such distance to be determined by the market administrator:

Mileage zone	Cents per hundredweight
Not more than 30 miles.....	0
More than 30 miles but not more than 45 miles.....	15
More than 45 miles but not more than 60 miles.....	17
More than 60 miles but not more than 75 miles.....	19
More than 75 miles but not more than 90 miles.....	21
Within each 15-mile zone thereafter an additional 1 cent.	

Provided, That such adjustment shall be limited to an amount of milk, cream, or other item so moved which could be derived from the milk received from producers at such plant.

§ 975.72 *Obligation to the producer-settlement fund for certain handlers operating nonpool plants.* (a) For each delivery period the obligation to the producer-settlement fund for each handler (except a producer-handler) who operates a nonpool plant out of which a route is operated which extends into the marketing area, shall be computed by

the market administrator by multiplying by the respective prices for skim milk and butterfat in Class I milk the total pounds of skim milk and butterfat disposed of as milk, skim milk, buttermilk, flavored milk, or flavored milk drink within such delivery period on each such route, and subtracting therefrom an amount computed by multiplying such volume of skim milk and butterfat by the higher of the prices for skim milk and butterfat, respectively, in Class III milk.

(b) For each delivery period, the obligation to the producer-settlement fund for each handler who operates a nonpool plant and supplies milk, skim milk, buttermilk, flavored milk, or flavored milk drink to a plant designated as a pool plant pursuant to paragraph (a) of § 975.30, which latter plant received within such delivery period less than 50 percent of its total receipts of skim milk and butterfat from producers or from other pool plants, shall be computed by the market administrator by multiplying by the difference between the respective prices for skim milk and butterfat in Class I milk and Class III milk, the amount of such receipts from such nonpool plant which are Class I milk at the receiving pool plant.

§ 975.73 *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk of 3.5 percent butterfat content, f. o. b. the marketing area, received from producers by:

(a) Combining into one total the pool values computed under § 975.70 for all handlers who reported pursuant to § 975.40 for such delivery period, except those in default in payments required pursuant to § 975.84 for the preceding delivery period;

(b) Adding an amount representing the monies received in payment of obligations computed under § 975.72;

(c) Adding the aggregate of the values of all allowable location adjustments computed at the maximum rates for the appropriate zones as set forth in § 975.81;

(d) Adding an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Subtracting, if the weighted average butterfat test of all milk received from producers represented by the values included in paragraph (a) of this section is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total hundredweight of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 975.82 multiplied by 1,000;

(f) Dividing by the hundredweight of milk received from producers represented by the values included in paragraph (a) of this section; and

(g) Subtracting not less than 4 cents nor more than 5 cents.

§ 975.74 *Notification.* The market administrator shall notify:

(a) On or before the 14th day after the end of each delivery period, each handler who operates a pool plant of:

(1) The amounts and pool values of his skim milk and butterfat in each class and the totals of such amounts and values;

(2) The uniform price;

(3) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(4) The totals of the minimum amounts to be paid by such handler pursuant to §§ 975.80, 975.84, 975.86, 975.87, 975.88 and 975.89.

(b) On or before the 14th day after the end of each delivery period each handler described in § 975.7 (b) of:

(1) The pounds of his skim milk and butterfat in milk, skim milk, buttermilk, flavored milk, and flavored milk drink subject to the provisions of this section; and

(2) The amount due the producer-settlement fund from each such handler.

PAYMENTS

§ 975.80 *Time and method of payment.* (a) Except as provided by paragraph (b) of this section, on or before the 20th day after the end of each delivery period, each handler (except a co-operative association) shall pay each producer for milk received from him within such delivery period, not less than an amount of money computed by multiplying the total pounds of such milk by the uniform price, less the location adjustment pursuant to § 975.81 and adjusted by the butterfat differential pursuant to § 975.82: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 975.85 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 19th day after the end of each delivery period, each handler shall pay a cooperative association not a handler, with respect to milk of producers for which it has received written authorization to collect payment, a total amount not less than the sum of the individual amounts otherwise payable to such producers pursuant to paragraph (a) of this section.

(c) On or before the 15th day after the end of each delivery period, each handler shall pay a cooperative association which is a handler, with respect to skim milk and butterfat received by him from a pool plant operated by such cooperative association, not less than an amount computed by multiplying the minimum prices for skim milk and butterfat, respectively, in each class, subject to the applicable location adjustment provided by § 975.71, by the hundredweight of skim milk and butterfat, respectively, in each class pursuant to §§ 975.56 and 975.57.

§ 975.81 *Location adjustments to producers.* In making payments pursuant to paragraphs (a) and (b) of § 975.80 a handler may deduct, with respect to all milk received from producers at a plant located outside the marketing area, not more than the following respective amount per hundredweight of milk applicable for the location of such plant by shortest highway distance from the Public Square in Cleveland, Ohio, such distance to be determined by the market administrator:

Mileage zone	Cents per hundredweight
Not more than 30 miles.....	0
More than 30 miles but not more than 45 miles.....	15
More than 45 miles but not more than 60 miles.....	17
More than 60 miles but not more than 75 miles.....	19
More than 75 miles but not more than 90 miles.....	21
Within each 15-mile zone thereafter an additional 1 cent.	

§ 975.82 *Butterfat differential.* In making payments pursuant to paragraphs (a) and (b) of § 975.80 there shall be added to or subtracted from, the uniform price per hundredweight, for each one-tenth of 1 percent of such butterfat content in milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator as follows:

(a) Multiply the hundredweight of butterfat in each class computed pursuant to § 975.56 by the applicable minimum price for butterfat in such class computed pursuant to §§ 975.61, 975.62 and 975.63;

(b) Add into one total the butterfat values obtained in paragraph (a) of this section and divide such total by the total hundredweight of butterfat in all classes computed pursuant to § 975.56 to determine a weighted average price for butterfat;

(c) Subtract from the weighted average price per hundredweight of butterfat computed in paragraph (b) of this section a weighted average price per hundredweight of skim milk computed as follows:

(1) Multiply the hundredweight of skim milk computed in each class pursuant to § 975.57 by the respective minimum price for skim milk in such class computed pursuant to §§ 975.61, 975.62 and 975.63; and

(2) Add into one total the skim milk values so obtained for all classes and divide such total by the total hundredweight of skim milk in all classes computed pursuant to § 975.57; and

(d) Divide by 1,000 the price of butterfat resulting pursuant to paragraph (c) of this section and round off to the nearest tenth of a cent.

§ 975.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund," into which he shall deposit all payments made pursuant to § 975.84 and out of which he shall make all payments pursuant to § 975.85.

§ 975.84 *Payments to the producer-settlement fund.* On or before the 16th day after the end of each delivery period, each handler:

(a) Whose pool value is required to be computed pursuant to § 975.70, shall pay

to the market administrator the amount by which such pool value for such delivery period is greater than the total minimum amount required to be paid by him pursuant to paragraphs (a) and (b) of § 975.80; and

(b) Whose obligation is required to be computed pursuant to § 975.72, shall pay to the market administrator such obligation for such delivery period.

§ 975.85 *Payments out of the producer-settlement fund.* On or before the 18th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which such handler's pool value pursuant to § 975.70 is less than the total minimum amount required to be paid by him pursuant to paragraphs (a) and (b) of § 975.80, less any unpaid obligations of such handler to the market administrator pursuant to §§ 975.84, 975.86, 975.87, or 975.89. *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 975.86 *Expense of administration.* As his prorata share of the expense incurred pursuant to paragraph (d) of § 975.22, each handler shall pay the market administrator on or before the 16th day after the end of each delivery period, three cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of such delivery period, with respect to all receipts within the delivery period, of milk from producers at pool plants (including such handler's own production), of other source milk at pool plants, except that used in the manufacture of ice cream or ice cream mix, and of other source milk on which payment is required pursuant to § 975.72: *Provided*, That such payment shall not be made with respect to any milk subject to a payment required under the provision for expense of administration of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area.

§ 975.87 *Marketing services.* Except as set forth in § 975.88 each handler in making payments to producers pursuant to paragraphs (a) and (b) of § 975.80, with respect to all milk received from each producer (except milk of such handler's own production) at a plant, not operated by a cooperative association of which such producer is a member, shall deduct four cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of each delivery period; and, on or before the 16th day after the end of such delivery period, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information; such services to be

performed in whole or in part by the market administrator, or by an agent engaged by and responsible to him.

§ 975.88 Cooperative association. In the case of producers whose milk is received at a plant, not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in § 975.87, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in § 975.87, such deductions from payments required pursuant to paragraphs (a) and (b) of § 975.80 as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of each delivery period to the cooperative association rendering such services of which such producers are members.

§ 975.89 Adjustment of accounts—(a) Payments. Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

(b) **Overdue accounts.** Any unpaid obligation of a handler or of the market administrator pursuant to §§ 975.84, 975.85, 975.86, 975.87, 975.88 or 975.89 (a) shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

MISCELLANEOUS PROVISIONS

§ 975.90 Application of provisions—(a) Exempt milk. Milk received at a plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions hereof.

(b) **Milk caused to be delivered by cooperative associations.** Milk referred to herein as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association which is not a handler and which is authorized to collect payment for such milk.

§ 975.91 Effective time. The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 975.92 Suspension or termination. The Secretary shall, whenever he finds that this order, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate

or suspend the operation of this order or any such provision thereof.

§ 975.93 Continuing obligations. If, upon the suspension or termination of any or all provisions of this order, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 975.94 Liquidation. Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 975.95 Agents. The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 975.96 Separability of provisions. If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

§ 975.97 Termination of obligations. The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obliga-

tion exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers; the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

Issued at Washington, D. C., this 28th day of August 1950, to be effective on and after the 1st day of October 1950.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7644; Filed, Aug. 30, 1950; 8:52 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

REVISION OF REGULATIONS

The Bureau of Employment Security having been transferred from the Federal Security Agency to the Department of Labor by the President's Reorganization Plan No. 2 of 1949, effective August 19, 1949, the procedures and regulations issued by the Social Security Administration of the Federal Security Agency and contained in Parts 601, 602, 603 and 604 of 20 CFR, Chapter V, are hereby repub-

lished with appropriate changes in the references to federal officers and agencies. Former §§ 601.9 and 601.10 are hereby rescinded as obsolete and subsequent sections renumbered. While no changes have been made in Part 604, it is republished for the sake of convenience. Part 605 is rescinded as obsolete.

Part

- 601 Administrative procedure.
- 602 Cooperation of United States Employment Service and States in establishing and maintaining a national system of public employment offices.
- 603 Instructions to State agencies for preparation and submittal of State plan of operation under the Wagner-Peyser Act.
- 604 Policies of the United States Employment Service.

PART 601—ADMINISTRATIVE PROCEDURE

SUBPART A—APPROVAL, CERTIFICATION AND FINDINGS WITH RESPECT TO STATE LAWS AND PLANS OF OPERATION FOR NORMAL AND ADDITIONAL TAX CREDIT AND GRANT PURPOSES

Sec.

- 601.1 General.
- 601.2 Approval of State unemployment compensation laws.
- 601.3 Findings with respect to State laws and plans of operation.
- 601.4 Certification for tax credit.
- 601.5 Withholding payments and certifications.

SUBPART B—GRANTS, ADVANCES AND AUDITS

- 601.6 Grants for administration of unemployment insurance and employment service.
- 601.7 Request for funds for servicemen's readjustment allowance program.
- 601.8 Agreement with Postmaster General.
- 601.9 Audits.

AUTHORITY: §§ 601.1 to 601.9 issued under sec. 1102, 49 Stat. 647, and sec. 12, 48 Stat. 117; 42 U. S. C. 1302, 29 U. S. C. 49k. Interpret or apply 49 Stat. 626, as amended, 53 Stat. 183, as amended, 48 Stat. 113, as amended; 42 U. S. C. 501-503, 26 U. S. C. 1600-1611, 29 U. S. C. 49-49f.

SUBPART A—APPROVAL, CERTIFICATION AND FINDINGS WITH RESPECT TO STATE LAWS AND PLANS OF OPERATION FOR NORMAL AND ADDITIONAL TAX CREDIT AND GRANT PURPOSES

§ 601.1 *General.* State unemployment compensation laws are approved and certified as provided in section 1603 of the Internal Revenue Code; findings are made regarding reduced rates permitted by a State law (section 1602 (a) of the Internal Revenue Code) and such laws are certified as provided in section 1602 (b); findings are made regarding the inclusion of specified provisions (section 303 (a) of the Social Security Act) in State laws approved under section 1603 (a) of the Internal Revenue Code; findings are made whether the States have accepted the provisions of the Wagner-Peyser Act and whether their plans of operation for public employment offices comply with the provisions of said Act.

Normal and additional tax credit is given to taxpayers against taxes imposed by section 1600 of the Internal Revenue Code.

Grants of funds are made to States for administration of their employment security laws if their unemployment compensation laws and their plans of

operation for public employment offices meet required conditions of Federal law. (Section 303 (a) of the Social Security Act; section 1603 (a) of the Internal Revenue Code; sections 6, 7 and 8 of the Wagner-Peyser Act.)

§ 601.2 *Approval of State unemployment compensation laws.* States may at their option submit their unemployment compensation laws for approval (section 1603 (a) of the Internal Revenue Code).

(a) *Submission.* The States submit to the Regional Representative of the Bureau of Employment Security four copies of the State unemployment compensation law, properly certified by an authorized State official to be true and complete, together with a written request for approval.

(b) *Review of State law.* The Regional Representative reviews the State law and forwards three copies to the central office of the Bureau with his comments. The Bureau reviews the Regional Representative's comments and analyzes the State law from the standpoint of the requirements of section 1603 (a) of the Internal Revenue Code.

(c) *Approval.* The Secretary of Labor determines whether the State law contains the provisions required by section 1603 (a) of the Internal Revenue Code. If the State law is approved, the Secretary notifies the Governor of the State within 30 days of the submission of such law.

(d) *Certification.* On December 31 of each taxable year the Secretary of Labor certifies, for the purposes of normal tax credit (section 1601 (a) (1) of the Internal Revenue Code), to the Secretary of the Treasury each State the law of which he has previously approved. (See also § 601.5.)

§ 601.3 *Findings with respect to State laws and plans of operation.* For purposes of grants, findings are made regarding the inclusion in State unemployment compensation laws, approved under section 1603 (a) of the Internal Revenue Code, of provisions required by section 303 (a) of the Social Security Act (see § 601.2); findings are also made whether a State has accepted the provisions of the Wagner-Peyser Act and whether its plan of operation for public employment offices complies with the provisions of said act. For purposes of additional tax credit, findings are made regarding reduced rates of contributions permitted by the State law (section 1602 (a) (1) of the Internal Revenue Code).

So that the Secretary of Labor may be enabled to determine the status of State laws and plans of operation, all relevant State materials, such as statutes, executive and administrative orders, legal opinions, rules, regulations, interpretations, court decisions, etc., are required to be submitted currently.

(a) *Submission.* The States submit currently to the Regional Representative four copies of relevant State material, properly certified by an authorized State official to be true and complete.

(b) *Review.* The Regional Representative reviews the State material and forwards three copies to the central office

of the Bureau with his comments. The Bureau reviews the material from the standpoint of its conformity with section 303 (a) of the Social Security Act, section 1602 (a) of the Internal Revenue Code, or the Wagner-Peyser Act, as the case may be. If questions are raised concerning such conformity, negotiations to resolve them are undertaken with State officials. Any questions then remaining unresolved are presented to the Secretary with appropriate recommendations. If a State plan of operation for public employment offices, and any amendment thereto, complies with the provisions of the Wagner-Peyser Act, the State agency is notified of the approval of the plan or the amendment as the case may require.

(c) *Findings.* The Secretary makes findings as provided in the cited sections of the Federal law. In the event that the Secretary is unable to make the findings required for certification for payment or for certification of the law for purposes of additional tax credit, further discussions with State officials are undertaken.

§ 601.4 *Certification for tax credit.* Within 30 days after submittal of a State unemployment compensation law for such purpose, the Secretary certifies to the State agency, in accordance with the provisions of section 1602 (b) (3) of the Internal Revenue Code, his findings regarding reduced rates of contributions allowable under such law. On December 31, of each taxable year the Secretary certifies to the Secretary of the Treasury the law of each State, certified with respect to such year under section 1603 of the Internal Revenue Code (see § 601.2), which he finds allows reduced rates with respect to such taxable year only in accordance with the provisions of section 1602 (a) of the Internal Revenue Code.

With regard to certification for payment, see § 601.6.

§ 601.5 *Withholding payments and certifications—(a) When withheld.* Payments are not made where the provisions required by section 303 (a) of the Social Security Act are found no longer to be included in the State unemployment compensation law. In addition, payments of funds to States and/or year-end certification of State laws are withheld, after reasonable notice and opportunity for hearing, in the following circumstances as required by indicated statutory provisions:

(1) Where the State unemployment compensation law has been so changed as no longer to meet the conditions required by Federal law (sections 1602 (b) (3) and 1603 (c) of the Internal Revenue Code); or

(2) Where in the administration of the State unemployment compensation law there has been a failure to comply with required provisions of such law (section 303 (b) (2) of the Social Security Act and sections 1602 (b) (3), and 1603 (c) of the Internal Revenue Code); or

(3) Where in the administration of the State unemployment compensation law there has been a denial, in a substantial number of cases, of benefits due

under such law (section 303 (b) (1) of the Social Security Act); or

(4) Where a State fails to make its unemployment compensation records available to the Railroad Retirement Board or fails to cooperate with Federal agencies charged with the administration of unemployment compensation laws (section 303 (c) of the Social Security Act); or

(5) Where a State no longer has a plan of operation for public employment offices complying with the provisions of the Wagner-Peyser Act; or

(6) Where a State agency has not properly expended, in accordance with an approved plan of operation, the Federal monies paid it for administration of its public employment service.

(b) *Informal discussion.* Such hearings are generally not called, however, until after every reasonable effort has been made by regional and central office representatives to resolve the question involved by conference and discussion with State officials. Formal notification of the date and place of a hearing does not foreclose further negotiations with State officials.

(c) *Notice of noncertification.* If, at any time during the taxable year, the Secretary of Labor has reason to believe that a State whose unemployment compensation law he has previously approved may not be certified, he promptly notifies the Governor of the State to that effect (section 1603 (d) of the Internal Revenue Code).

(d) *Hearings.* Hearings are held pursuant to the provisions of section 303 (b) and (c) of the Social Security Act, sections 1602 (b) (3) and (c) of the Internal Revenue Code and the Regulations of the United States Employment Service.

(1) Notice of hearing is sent by the Secretary of Labor to the State employment security agency. The notice sets forth the purpose of the hearing and the time, date and place at which the hearing will be held. At a hearing the State is given an opportunity to present arguments and all relevant evidence, written or oral. The Secretary makes the necessary determination or findings, on the basis of the record of such hearings. A notice of the Secretary's determination or finding is sent to the State employment security agency.

SUBPART B—GRANTS, ADVANCES AND AUDITS

§ 601.6 *Grants for administration of unemployment insurance and employment service.* Grants of funds for administration of State unemployment insurance and public employment service programs are made to States under section 302 (a) of the Social Security Act, the Wagner-Peyser Act, and the Appropriation Acts.

(a) *Requests for funds.* The forms and instructions used by State agencies in requesting funds are available upon request from the Bureau of Employment Security, Department of Labor, Washington 25, D. C., and at the regional offices. The forms and instructions call for detailed information for each budgetary period concerning the specific amounts requested for personal services and other current expenses of State

agencies, supported by work-load and unit-cost estimates. Supplementary budget requests are processed in the same manner as regular requests. The Bureau's representatives in the regional offices furnish assistance to the State agencies in preparing requests for funds.

(b) *Processing of requests.* State agencies send their requests for funds to the Regional Representative of the Bureau who reviews the requests and forwards them to the central office of the Bureau with his recommendation as to the amounts necessary for proper and efficient administration of the State unemployment compensation law and employment service program.

The Bureau appraises the requests and the recommendations of the regional representatives from a nation-wide point of view, examining each State's request in the light of the experience of other States to insure equitable treatment among the States in the allocation of funds made available by Congress for the administration of State unemployment compensation laws and public employment service programs.

(c) *Action by Director.* If the Director approves the State's budget request, the State agency is notified; and, provided the conditions precedent to grants continue during the budgetary period, certifications for payment, under the approved budget, stating the amounts, are made by the Director to the Secretary of the Treasury quarterly. Upon denial of a request, in whole or in part, the State agency is notified and the Bureau's Regional Representative is instructed to negotiate with the State with a view to removing the basis for denial.

§ 601.7 *Requests for funds for servicemen's readjustment allowance program.* Allotments of funds for the administration of the servicemen's readjustment allowance program are made to States by the Secretary of Labor upon quarterly certification by the Administrator of Veterans' Affairs under section 1100 (f) of the Servicemen's Readjustment Act of 1944. The certifications by the Administrator of Veterans' Affairs are based upon requests submitted to the Veterans' Administration by the State agencies administering unemployment insurance and employment service programs.

§ 601.8 *Agreement with Postmaster General.* The Secretary of Labor and the Postmaster General have been directed by the Congress (Title II of the Labor-Federal Security Agency Appropriation Act, 1950) to prescribe a mutually satisfactory procedure whereby official State employment security postal matter will be handled without the prepayment of postage. In lieu of such prepayments, the Director periodically certifies to the Secretary of the Treasury for payment to the Post Office Department the amount necessary to cover the cost of State agency mailings. The amount of payment is based on a formula agreed upon by the Secretary of Labor and the Post Office Department.

§ 601.9 *Audits.* As soon as practicable after the close of each budgetary period, or at other times as necessary,

the books of account and records pertaining to employment security administration in each State are audited by the State Audit Branch, Division of Business Management, Bureau of Employment Security, to determine whether the expenditures have been made for purposes and in amounts found necessary by the Director for proper and efficient administration of the State's unemployment compensation law and public employment service.

(a) If the audit, as reviewed by the regional office, results in no exceptions, the agency is advised by letter of this result. If the regional office concurs in exceptions taken by the examining auditor, the State agency is given an opportunity within 15 days to concur in them or to submit additional facts for purposes of clearing the exceptions. If the agency's reply does not result in clearance of the exceptions, they are presented to the Secretary with the agency's statement of its reasons for non-concurrence.

(b) The Secretary, upon consideration of the audit report and the agency's reply, determines whether (1) the exceptions are properly taken and replacement of the amount involved is required, or (2) the exception should be withdrawn. In either case the State agency is notified of the action taken.

PART 602—COOPERATION OF UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Sec.	
602.1	Definitions.
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602.3	Employment counseling and selective placement services.
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602.6	Labor market information service.
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602.18	State plans of operations.
602.19	Delegation of authority.
602.20	Amounts and purposes of grants.
602.21	Notice and opportunity for hearing to State agency prior to withdrawal of Federal funds.

AUTHORITY: §§ 602.1 to 602.21 issued under sec. 12, 48 Stat. 117, 29 U. S. C. 49k. Interpret or apply, 48 Stat. 113, as amended, 53 Stat. 293, Pub. Law 141, 81st Cong.; 29 U. S. C. 49-49f, 38 U. S. C. 695-695f.

§ 602.1 *Definitions.* In this part, the following words shall, unless the context requires otherwise, have the following meanings:

(a) "Wagner-Peyser Act" means the Act of June 6, 1933, as amended (48 Stat. 113), and all rules, regulations, and standards promulgated thereunder.

(b) "State" includes the several States, the District of Columbia and the Territories of Alaska and Hawaii.

(c) "State agency" means the agency designated under section 4 of the Wagner-Peyser Act as the agency to cooperate with the United States Employment Service.

(d) "State Director" means the individual responsible, subject to the overall direction and supervision of the chief official of the State agency or department in which the State service is located, for the proper and efficient administration of the State-wide system of public employment offices.

(e) "The United States Employment Service" means the Bureau in the Department of Labor established pursuant to the Wagner-Peyser Act.

(f) "Director of the United States Employment Service" means the chief official of the United States Employment Service, responsible, subject to the supervision of the Secretary of Labor for the administration of the Bureau in the Department of Labor known as the United States Employment Service.

(g) "State Veterans' Employment Representative" means the individual assigned by the United States Employment Service to each State public employment service system, who is administratively responsible to the Chief of the Veterans' Employment Service of the United States Employment Service, for the execution, through the public employment service in the State, of the policies of the Secretary of Labor.

§ 602.2 *Placement services*—(a) *Functions.* Each State agency shall maintain, through its State and local employment offices, a placement service for the free use of employers, workers, and veterans and for the purpose of assisting employers to secure the number of workers possessing the occupational qualifications such employers require, and of assisting all workers to find promptly, jobs for which they are occupationally qualified and which are most advantageous to them. The State service shall promote the full use of its placement facilities, for the purpose of assuring the maximum of job opportunities for veterans and other workers and the maximum recruitment and placement assistance for employers.

(b) *Referrals in labor dispute situations.* No person shall be referred to a position the filling of which will aid directly or indirectly in filling a job which (1) is vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or (2) the filling of which is an issue in a labor dispute. With respect to positions not covered by subparagraph (1) or (2) of this paragraph, any individual may be referred to a place of employment in which a labor dispute exists, provided he is given written notice of such dispute prior to or at the time of his referral.

(c) *Inter-area and interstate clearance of labor.* Each State agency shall cooperate with the United States Employment Service in the interstate recruitment and transfer of workers. Each State agency shall maintain an adequate system for the recruitment and

transfer of workers between areas within the State.

(d) *Multi-State labor market areas.* With respect to any single labor market area covering parts of two or more States, the State agencies involved shall establish and maintain adequate arrangements and procedures to assure that workers and employers have full access to job opportunities and the available labor supply within the area, without regard to State boundaries.

§ 602.3 *Employment counseling and selective placement services.* Each State agency shall maintain an adequate local office employment counseling service for veterans and other applicants of employable age. Such employment counseling service shall assist the applicant to evaluate his potential abilities in relation to job requirements and employment opportunities. Local employment offices shall provide such special services and utilize such selective placement techniques as may be necessary to assist handicapped veterans and other applicants to secure employment in occupations which are suited to their physical capacities, interest, and abilities. Local offices shall establish and maintain cooperative relationships with other community and State agencies and organizations for the coordination and mutual improvement of vocational adjustment services. In those States where State boards, departments, or agencies exist which are charged with the administration of State laws for the vocational rehabilitation of handicapped persons, the State agency shall make provision for cooperation with such boards, departments, or agencies.

§ 602.4 *Occupational analysis and industrial services.* Each State agency shall maintain, through its State administrative office and local employment offices, an adequate occupational analysis and industrial service to render assistance in connection with problems which involve the recruitment, selection, assignment, transfer and promotion of workers, with a view to promoting stability of employment and the most effective use of workers' skills and abilities. In connection therewith, each State agency shall cooperate with the United States Employment Service in the development and use of the occupational analysis and related materials of the United States Employment Service.

§ 602.5 *Special service for veterans.* Each State agency shall maintain, through its State administrative office and local employment offices, effective placement and counseling services for veterans, to carry out the provisions of the Wagner-Peyser Act and of Title IV of the Servicemen's Readjustment Act of 1944. In connection therewith, each State agency shall carry out the policies as determined by the Secretary of Labor and promulgated through the United States Employment Service. The State veterans' employment representative shall be consulted on all matters affecting veterans' employment activities and shall be invited to attend staff meetings of the senior employment service staff. Each State agency shall make available

adequate and appropriate space and facilities for the representatives of the Veterans' Employment Service located within the State, and shall assure that State and local employment offices cooperate with field personnel of the Veterans' Employment Service. The State Director shall, after consultation with the State veterans' employment representative, designate one or more employees (preferably veterans) in each local employment office as veterans' employment representatives who shall, under the administrative direction of the local office manager, carry out the services and functions prescribed in section 602 of the Servicemen's Readjustment Act of 1944.

§ 602.6 *Labor market information service.* Each State agency shall maintain, through its State administrative office and local employment offices, an effective labor market information service, through which it shall provide for the collection, analysis and public issuance of information on current labor market developments, employment trends and opportunities for employment.

§ 602.7 *Participation in community programs.* Each State agency, through its State administrative office and local employment offices, shall cooperate with other agencies and organizations concerned with employment problems and shall participate in developing programs for increasing employment opportunities and stabilizing employment.

§ 602.8 *Agricultural and related industry placement services.* Beginning January 1, 1948, each State agency, in carrying out the provisions of the Wagner-Peyser Act, shall maintain, through its State administrative office and local employment offices, effective placement services for agricultural and related industry employers and workers, and such services shall include appropriate programs for the intrastate recruitment and transfer of workers and for cooperation with the United States Employment Service in the interstate recruitment and movement of workers.

§ 602.9 *Services and facilities.* Each State agency shall provide in an efficient and effective manner, the public employment services described in §§ 602.2 to 602.8, inclusive, through adequate local employment office facilities. Each State agency shall maintain local employment office facilities of such number, size, and location as may be necessary in view of the population distribution and industrial, agricultural and related industry employment pattern of the State and of communities within the State.

§ 602.10 *Organization*—(a) *Official name.* The official name of the State-wide system of public employment offices and the name on all official signs, stationery and documents used in connection with the State-wide system of public employment offices shall be "State Employment Service" to which shall be added the words "Affiliated with the United States Employment Service."

(b) *State Director.* Each State-wide system of public employment offices shall

be under the supervision and direction of a State Director who shall devote his full time to employment service activities and other designated activities which are closely related to, and will not impede the proper and efficient administration of, employment service activities.

(c) *Local managers.* Each local public employment office shall, with respect to all its employment service activities, be under the direction and supervision of a local office manager, who shall be responsible to the State Director for the proper and efficient administration of the employment service activities performed in such local office, and may be responsible for other designated activities in the local office which are closely related to and will not impede the proper and efficient administration of, the employment service activities of a local employment office.

(d) *Unemployment compensation claims activities.* For the purposes of this section, the taking of unemployment compensation claims (but not the making of decisions on or the payment of such claims) shall be deemed activities which are closely related to and do not impede the proper and efficient administration of employment service activities.

(e) *Maintenance of employment service activities in local offices.* Under emergency circumstances, personnel required for the performance of local office employment service functions may assist in the performance of unemployment compensation claims activities for limited periods of time but only if the rendition of such assistance will not impede the proper and efficient performance of employment service activities. Under emergency circumstances and for limited periods of time the services of unemployment compensation personnel in local offices may be accepted to assist in the performance of local office employment service activities.

(f) *Other forms of administrative organization or divisions of administrative responsibility.* Notwithstanding the other provisions of this part relating to forms of administrative organization and divisions of administrative responsibility, the Director of the United States Employment Service may approve other forms of administrative organization and divisions of administrative responsibility, which he finds are reasonably calculated to carry out the purposes of the Wagner-Peyser Act and maintain the identity of the State-wide system of public employment offices as a part of the Nation-wide system of public employment offices.

§ 602.11 *Arrangements between United States Employment Service and related Federal agencies.* The Director of the United States Employment Service is authorized to enter into appropriate arrangements with other Federal agencies for the coordination of activities and the exchange of services which relate to the purposes and program of the Federal-State cooperative national system of public employment offices provided for in this Chapter. Each State agency shall comply with and carry out such arrangements.

§ 602.12 *Manual of instructions.* The Director of the United States Employ-

ment Service shall provide the States with a comprehensive guide on all matters pertinent to the Federal-State cooperative program for the maintenance of a national system of public employment offices, to be included in the Employment Security Manual.

§ 602.13 *Personnel administration.* Each State shall maintain, with respect to personnel employed in the State system of public employment offices, a merit system of personnel administration which complies with the Bureau of Employment Security "Standards for a Merit System of Personnel Administration."

§ 602.14 *Fiscal affairs.* Each State agency shall comply with the Bureau of Employment Security Fiscal Standards, set forth in Part IV of the Employment Security Manual.

§ 602.15 *Advisory councils.* Each State agency shall maintain a State advisory council constituted in the manner and for the purpose described in section 11 (a) of the Wagner-Peyser Act, and shall maintain local advisory councils, in such communities and constituted in such manner as the State agency deems necessary to promote and assist in the carrying out of the services and activities described in those regulations.

§ 602.16 *Confidential character of records.* Each State agency shall assure that all information contained in the records of the State employment service and secured from workers, employers or other persons or groups as an incident to the State public employment service program, is used solely for the purpose of administering the State system of public employment offices as part of a national system of public employment offices, except that such information may be disclosed for other purposes in accordance with policies promulgated by the Director of the United States Employment Service to assure that such disclosures will not impede the operation of or be inconsistent with the purposes of the public employment service program.

§ 602.17 *Reports and studies.* Each State agency shall file with the United States Employment Service and keep current, such information and reports on local labor market conditions and the State agency's operations, activities, workload and expenditures as the Director of the United States Employment Service may from time to time require to carry out the provisions of the Wagner-Peyser Act, and in connection therewith, shall maintain the procedures and programs and carry out the instructions set forth in Part III of the Employment Security Manual and such other instructions as the Director of the United States Employment Service may from time to time approve. Each State agency shall cooperate in the making of such studies, surveys and investigations by the Director of the United States Employment Service or his representatives, and in the carrying out of such studies, procedures and programs, as the Director of the United States Employment Service from time to time finds

necessary to carry out the Wagner-Peyser Act.

§ 602.18 *State plans of operation.* Each State desiring to receive the benefits of the Wagner-Peyser Act shall submit detailed plans for carrying out the provisions of the act in accordance with United States Employment Service "Instructions to State Agencies for Preparation and Submittal of State Plan(s) of Operation Under the Wagner-Peyser Act" prescribed by the Secretary of Labor. If such plans are found in compliance with this section, they shall be approved and due notice thereof communicated to the State agency.

§ 602.19 *Delegation of authority.* The Director of the Bureau of Employment Security is hereby authorized, except as otherwise provided in Parts 602, 603 and 604 of this chapter, to issue any standard or instruction or take any other action provided for in Parts 602, 603 and 604 of this chapter and to further delegate any authority so delegated to him.

§ 602.20 *Amounts and purposes of grants.* Grants to States under the act of June 6, 1933 (48 Stat. 113), as amended, shall be in such amounts and shall be available for expenditure for such purposes as are determined to be necessary for the proper and efficient administration of the State-wide system of public employment offices as part of the national public employment office system, in accordance with the provisions of the Wagner-Peyser Act, and such instructions as may be issued from time to time thereunder.

§ 602.21 *Notice and opportunity for hearing to State agency prior to withdrawal of Federal funds.* Whenever the Secretary of Labor has reason to believe that in the administration of a State-wide system of public employment offices (a) there has occurred a substantial failure to comply with the State's detailed plan of operations as approved under the Wagner-Peyser Act, or (b) the cooperating State agency has not expended the moneys paid to it in accordance with the provisions of said Act, the Secretary shall give the Governor of the State a written notice which shall state specifically wherein the State has failed to comply or failed properly to expend. The Secretary shall give notice of the time and place of the hearing to the State agency and shall afford the State agency a reasonable opportunity to appear and be heard. The Secretary shall make the necessary determination or finding on the basis of the record of the hearing. A notice of the Secretary's determination or finding shall be sent to the State employment security agency.

PART 603—INSTRUCTIONS TO STATE AGENCIES FOR PREPARATION AND SUBMITTAL OF STATE PLAN OF OPERATION UNDER THE WAGNER-PEYSEY ACT

SUBPART A—LETTER OF TRANSMITTAL

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- 603.101 Request for approval.
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RULES AND REGULATIONS

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SUBPART E—PROGRAM

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603.502 Operating instructions.
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SUBPART F—SERVICE TO VETERANS

- 603.601 Effectuation of special services for veterans.

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- 603.701 Maintenance of reporting requirements.

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- 603.801 Inclusion of United States Employment Service offices on mailing lists.

SUBPART I—PERSONNEL ADMINISTRATION

- 603.901 Merit system plan.
603.902 Documentation.
603.903 Personnel reports.

SUBPART J—FISCAL ADMINISTRATION

- 603.1001 Budget.
603.1002 Fiscal standards.

AUTHORITY: §§ 603.101 to 603.1002 issued under sec. 12, 48 Stat. 117; 29 U. S. C. 49k. Interpret or apply 48 Stat. 113, as amended, 58 Stat. 293, 29 U. S. C. 49-49f, 38 U. S. C. 695-695f.

SUBPART A—LETTER OF TRANSMITTAL

§ 603.101 *Request for approval.* The letter should state that the accompanying statements and attachments are submitted as a Plan of Operation, pursuant to the provisions of the Wagner-Peyser Act, as amended. The Director should be requested to approve the plan as submitted and to so notify the State agency.

§ 603.102 *List of documents.* The letter should list each section of the plan and the documents being submitted thereunder.

§ 603.103 *Amendments of the plan.* The letter should state that the plan is submitted as a continuing plan, should designate the effective date and certify that the plan will be kept current by the submission for incorporation in the plan of necessary amendatory materials.

§ 603.104 *Signature.* The letter should bear the signature and title of the State official or officials authorized under the State law to submit the plan of operation.

SUBPART B—LEGAL MATERIAL

§ 603.201 *Opinion of the State Attorney General.* The legal material must include an opinion of the State Attorney General or other appropriate State official stating that the State statutes authorize the State agency to submit the plan and administer the State employment service, in accordance with the Act of June 6, 1933 (48 Stat. 113) as amended and Title IV of the Servicemen's Readjustment Act of 1944 as amended.

(a) *Nature of other legal materials.* Legal material submitted as a part of the plan should include constitutional and statutory provisions, proclamations, executive orders, administrative orders, rules and regulations, court decisions, legal opinions and any other materials which constitute or determine the legal basis for the plan. The legal material must include the State statute accepting the Wagner-Peyser Act and creating the State agency to administer the State-wide system of public employment offices in cooperation with the United States Employment Service. The legal material should also include legislation creating the Department or Agency of State Government in which the State public employment office system is located.

(b) *Certification of documents.* At least one copy of each submittal described above should bear the written signature or printed authentication of the Secretary of State or other official authorized to certify as to the accuracy of copies of the particular type of document.

(c) *New legal material.* All legal materials should be kept current. Any newly adopted legal material, and any rescission or amendment of legal material previously incorporated in the plan, should be submitted currently, for approval as a part of the plan. Each new item of legal material should be accompanied by a statement identifying the previously incorporated legal material, including the page and section of the plan where it occurs, which the new legal material amends or renders obsolete.

(d) *Court decisions and legal opinions.* When any legal opinions affecting any part of the plan are rendered, they should be submitted promptly. Opinions of appropriate State officials will be requested, for incorporation in the plan, when the intent of a statute or constitutional provision is not clear or if there is any question as to the authority of an agency to issue a rule or regulation or take any other action provided for in the plan.

The plan should include any judicial interpretation or other amplification of

existing law by a court, which in any way affects the powers, functions or activities of any State agency with respect to any provisions of the plan. The Bureau of Employment Security Regional Representative should be kept currently informed of any legislative or judicial proceedings involving a legal issue of substantial consequence to any part of the plan.

(e) *Classification of legal material.* For purposes of convenience the legal materials in the plan should be classified into three sections, captioned:

- (1) Organization and enabling laws,
- (2) Fiscal laws, and
- (3) Personnel laws.

§ 603.202 *Organization and enabling laws.* Organization and enabling laws include constitutional, statutory and administrative legal materials relating to the establishment of the State agency and its program, accepting the provisions of the Wagner-Peyser Act, defining the relationships between the State agency and the department or other agency of State Government in which it is located, and constituting the legal authority for the material required under all provisions of the plan which cannot appropriately be classified as fiscal laws or personnel laws.

§ 603.203 *Fiscal laws.* Fiscal laws include constitutional, statutory and administrative legal materials relating to or governing the fiscal activities of the State agency, including such matters as budget procedures, bonding, fiscal controls (irrespective of by whom exercised), disbursements, accounting and auditing.

§ 603.204 *Personnel laws.* Personnel laws include all constitutional, statutory and administrative legal materials relating to civil service, merit system administration, classification and compensation plans, residence requirements, veterans preferences, and all other matters governing personnel administration applicable to the State agency and its personnel.

SUBPART C—ORGANIZATION

§ 603.301 *Official name.* Submit a statement giving the official name of the State employment service as used on all official signs, stationery, and documents.

§ 603.302 *Organization of the State agency.* Submit a chart showing the organization of the State employment service. The chart should show the manner in which authority and responsibility are delegated from the chief executive of the State agency, through intermediate areas of supervision, to the smallest group having a permanently assigned supervisor whose activities relate to employment service operations. The chart should show every organizational unit within the State agency which renders a service to the State employment service. In this chart, the organization structure within local employment offices need not be shown, but the line of administrative authority over local offices should be shown. The chart should also show the staff, if any, assigned to the area, district or field supervisors. The chart should also show the position and relationships of the

State Veterans Employment Representative (of the Veterans Employment Service of the United States Employment Service) in the State employment service organization.

§ 603.303 Description of functions. Supplement the chart with a statement describing the specific employment service function performed by each organizational unit illustrated on the organizational chart.

A revised chart and statement should be submitted for approval as part of the plan, whenever the functions or responsibilities of the Employment Service Director are significantly changed.

§ 603.304 Local office organization. From time to time the Regional Representative will designate the local employment offices within the State for which organization charts are to be submitted as part of the State plan. Each chart should show the line of authority from the local office manager, through any intervening supervisory levels, to each employee in the local office. Each chart should also show the position and relationship of the local Veterans Employment Representative to the other organizational units in the local office.

§ 603.305 Description of functions and activities. Supplement the charts by statements describing the functions or activities performed by each employee or group of employees performing a distinct function or activity. Also indicate specifically the nature of the local office manager's responsibility in relation to unemployment compensation activities and the assignment of these activities to staff under the administrative direction of the local office manager.

§ 603.306 Area office organization. If the State includes one or more area offices which administer a metropolitan area in which more than one local office serves the single market, submit an organization chart for a typical area office.

§ 603.307 Description of responsibilities. Supplement the chart by a statement describing the responsibilities of the area office and the division of responsibility among separate positions or organizational units in the area office.

§ 603.308 Location of local offices and itinerant points. Submit a map of the State showing the location of all local employment offices, the geographic area served by each office, and the location of itinerant points within the geographic area of each office. Show the office numbers on the map and supplement the map by a list showing office number, city and street address of each local office. If no designation is regularly used for itinerant points, designate such points A, B, C, etc., for each office area and include them on the supplementary list. Also indicate on the map the areas into which the State is divided for purposes of field supervision.

Submit a statement amending the State plan each time there is a change affecting the full-time service to any community, either through the opening or closing of a full-time office.

§ 603.309 State and local advisory councils. Submit a statement showing the composition of the State Advisory Council when organized, the number of members representing employers, employees and the public, and the frequency of regularly scheduled meetings. Submit the same information for any local advisory councils and any farm labor advisory councils.

SUBPART D—ACTION TAKEN TO CARRY OUT UNITED STATES EMPLOYMENT SERVICE REGULATION

§ 603.401 Effectuation of regulations. Submit a statement that the State will comply with and carry out the regulation prescribed by the Secretary of Labor under the Wagner-Peyser Act, (Part 602 of this chapter) and entitled "Cooperation of United States Employment Service and States in Establishing and Maintaining a National System of Public Employment Offices."

SUBPART E—PROGRAM

§ 603.501 Nature of program of the State agency. Submit a statement indicating the program or activities which the State agency will carry out, in addition to the national six-point program set forth in §§ 602.2 to 602.7, inclusive, of this chapter.

§ 603.502 Policies and operating instructions. (a) Submit a statement that the State will adhere to the basic standards set forth as United States Employment Service Policies in the Employment Security Manual and will maintain procedures necessary to effectively carry out such policies. The statement should indicate one of two types of action by the State agency to make such policies and procedures effective:

(1) The adoption of the Manual as issued by the Bureau of Employment Security as the vehicle for issuing instructions to local offices; or

(2) The issuance of instructions to local offices through a State agency manual or bulletin series.

(b) A revised statement shall be submitted for approval as a part of the plan at any time there is a change in the method of issuing instructions to local employment offices.

§ 603.503 Inter-State labor market areas. (a) Submit a copy of any arrangement made with an adjoining State or States with respect to a labor market area which includes parts of two or more States.

(b) At any time a new arrangement or a revision in an existing arrangement is made, submit a copy of the new or revised arrangement for incorporation in the plan.

§ 603.504 Inter-State clearance of labor. Submit a statement that the State will maintain the procedures and programs set forth in sections 1800 to 1899 of the Employment Security Manual with respect to the inter-State clearance of labor.

§ 603.505 Agreement with the State vocational rehabilitation agency. Submit a copy of arrangements made for cooperation between the State employment service and the State boards, de-

partments or agencies charged with the administration of State laws for the vocational rehabilitation of handicapped persons. Submit a revised copy for incorporation in the plan at any time there is a revision in any such arrangement.

§ 603.506 Agricultural and related industry placement. Describe the State program, beginning January 1, 1948, for meeting the labor requirements of agricultural and related industries making appropriate cross-references to material simultaneously submitted under §§ 603.302 to 603.308, inclusive, which sets forth the organizational and administrative arrangements made to assure the efficient and effective execution of such program.

§ 603.507 Provision for field supervision and evaluation of local employment offices. Describe the State program for field supervision designed to maintain adherence to policies and efficiency of Employment Service operations, including therein the nature of such supervision, the manner in which it is exercised, and the methods used to evaluate local office operations.

§ 603.508 Staff training policy and program. (a) Submit a statement that the State will make provision to carry out an adequate personnel training program. The statement should indicate one of two types of action by the State Agency to make such program effective:

(1) The adoption of United States Employment Service Employment Office Training Program, Unit 28, as the State statement on staff training policy and program; or

(2) The development and adoption of a State staff training policy and program.

(b) A revised statement shall be submitted for approval as part of the plan at any time the State adopts a policy or program materially different from that described in the previously incorporated statement.

§ 603.509 State program for handicapped workers and other special applicant groups. Describe the State program for meeting the needs of handicapped workers and other special applicant groups, including therein the organizational and administrative arrangements made to assure the efficient and effective execution of such program.

SUBPART F—SERVICE TO VETERANS

§ 603.601 Effectuation of special services for veterans. Submit a statement that the State will maintain special services for veterans, in accordance with the provisions of the Wagner-Peyser Act, Title IV of the Servicemen's Readjustment Act of 1944, and policies of the Secretary of Labor, and will carry out such organizational and administrative actions as may be necessary in connection therewith.

SUBPART G—LABOR MARKET, OPERATING AND ACTIVITY REPORTING

§ 603.701 Maintenance of reporting requirements. Submit a statement that the State reports concerning its operations, employment office activities and information relating to labor supply and

demand within the State, will be made in accordance with Part III of the Employment Security Manual, and such requests as the Director of the United States Employment Service may from time to time approve.

SUBPART H—INSTRUCTIONS AND TRAINING MATERIALS

§ 603.801 *Inclusion of United States Employment Service offices on mailing lists.* Submit a statement that the State agency will include the regional and headquarters offices of the United States Employment Service on all mailing lists, each to receive three copies of all instructions issued to local employment offices and all revisions of United States Employment Service training units or new training materials developed in the State agency.

SUBPART I—PERSONNEL ADMINISTRATION

§ 603.901 *Merit system plan.* Submit a statement that in the State employment service, a system of personnel administration on a merit basis will be carried out in accordance with the Bureau of Employment Security "Standards for a Merit System of Personnel Administration."

§ 603.902 *Documentation.* Submit currently, for approval as a part of the plan, copies of all documents and materials constituting the merit system plan governing the State employment service. To the extent that any of such documents are set forth in the laws, rules and regulations submitted under Part II (Legal), a cross reference to the personnel laws in that part will suffice. In addition, submit copies of the following personnel materials relating to the merit system program for the State employment service:

(a) The classification plan covering all positions concerned with the administration of the Employment Service program. The classification plan should show class specifications, each class title, a description of the duties and responsibilities of all positions in each class, and a statement of the minimum qualifications established for each class in terms of experience, training, knowledge, traits and abilities. Revisions of the classification plan involving significant changes in functional assignments or organizational structure, overall revisions to the total plan, or the establishment of new classes, should be submitted currently for approval as a part of the plan. Other revisions may be cumulated and submitted for incorporation in the plan at the beginning of each quarter.

(b) The compensation plan, showing

(1) Salary ranges for all classes in the classification plan, consisting of minimum, maximum, and intervening steps for each range, and

(2) Methods and procedures for determining individual salaries under such salary schedule, including entrance salary, salary advancements within a given range, and salary adjustments resulting from personnel actions, revisions in the salary range or any overall bonus plan or cost-of-living adjustment.

Revisions in the compensation plan should be submitted currently for approval as a part of the plan.

(c) Appeals materials, showing the types of personnel actions that may be appealed, describing provisions for hearing before an impartial body, and indicating the official or body responsible for final decisions. Revisions in the appeals procedures may be cumulated and submitted quarterly for incorporation in the plan.

(d) Separation and suspension materials, including materials relating to (1) the conditions under which an employee may be separated or suspended, (2) administrative procedures for effecting such action, and (3) data on notification to the employee, showing method, type of notice, and information furnished. In respect to separations resulting from reduction in force, the procedures should show the factors governing, or to be considered in determining, the order of separation. Revisions in separation and suspension procedures, excluding changes in rules and regulations, may be cumulated and submitted quarterly for incorporation in the plan.

§ 603.903 *Personnel reports.* Submit a statement that such regular and special reports will be made concerning personnel administration in the State agency as the Director of the United States Employment Service may from time to time request.

SUBPART J—FISCAL ADMINISTRATION

§ 603.1001 *Budget.* Submit a statement that, upon final approval by the Director of the United States Employment Service, each budget request and any change or adjustment in a budget is to be incorporated as a part of the State plan.

§ 603.1002 *Fiscal standards.* Submit a statement that the State will carry out the Bureau of Employment Security Fiscal Standards, set forth in Part IV of the Employment Security Manual.

PART 604—POLICIES OF THE UNITED STATES EMPLOYMENT SERVICE

Sec.	
604.1	The placement process.
604.2	Inter-area placement.
604.3	Employment counseling.
604.4	Special service to veterans.
604.5	Agricultural and related industry placement services.
604.6	Service to youth.
604.7	Service to the handicapped.
604.8	Service to minority groups.
604.9	Preparation and use of labor market information.
604.10	Occupational testing.
604.11	Industrial services.
604.12	Community participation.
604.13	Foreign labor.
604.14	Employer relations.
604.15	Information service.
604.16	Disclosure of information.

AUTHORITY: §§ 604.1 to 604.16 issued under section 12, 48 Stat. 117; 29 U. S. C. 49k. Interpret or apply 48 Stat. 113, as amended, 58 Stat. 293; 29 U. S. C. 49-49f, 38 U. S. C. 695-695f.

§ 604.1 *The placement process.* It is the policy of the United States Employment Service:

(a) To accept an application from any applicant, legally qualified to work, with-

out regard to his place of residence, current employment status, or occupational qualifications.

(b) To obtain from an applicant only that information which is necessary to determine his qualifications for employment and facilitate his placement on a job, except that information concerning race will be obtained for reporting purposes.

(c) To classify an applicant in terms of the Dictionary of Occupational Titles on the basis of an evaluation of all of his occupational qualifications as shown by work experience, training, and personal characteristics.

(d) To give priority in selection and referral to qualified veterans and to give disabled veterans priority over other veterans.

(e) To extend no preference in referral to any applicant or group of applicants except in accordance with legal requirements.

(f) To ensure so far as practicable that workers are placed on jobs which utilize their highest skills.

(g) To ensure insofar as practicable that applicants suitably qualified for job openings are referred to employers.

(h) To make no referral as a result of which a charge would be made either to the worker or the employer for filling the job.

(i) To make no referral which will aid directly or indirectly in filling a job:

(1) Which is vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or

(2) The filling of which is an issue in a labor dispute; but, with respect to positions not covered by clause 1 or 2 above, an individual may be referred to a place of employment in which a labor dispute exists provided he is given written notice of such dispute prior to or at the time of his referral.

(j) To make no referral to a position where the services to be performed or the terms or conditions of employment are contrary to federal, State, or local law.

(k) To recruit no workers for employment if the wages, hours, or other conditions of work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

(l) To give equitable consideration on the basis of qualifications insofar as practicable to all applicants who have indicated their availability for employment without regard to their presence in the office at the time of selection.

§ 604.2 *Inter-area placement.* It is the policy of the United States Employment Service:

(a) To facilitate the mobility of labor by encouraging and guiding necessary migration of workers between geographical areas, and necessary shifts of workers across occupational and industrial lines.

(b) To recruit qualified workers from all practicable local sources before resorting to inter-area recruitment.

(c) To extend for inter-area recruitment only those employer orders on which at least minimum compensation is specified.

(d) To establish immediate areas of recruitment within States when ease of transportation, similarity of industrial activity and customary migration patterns warrant.

(e) To establish with adjoining States immediate areas of recruitment which cut across boundaries of two or more States.

§ 604.3 Employment counseling. It is the policy of the United States Employment Service:

(a) To provide employment counseling service to any applicant of employable age who requires and wishes such assistance in becoming vocationally adjusted.

(b) To limit employment counseling to the provision of information and assistance needed by the applicant to enable him to make a sound vocational plan.

(c) To obtain information concerning the applicant's interests, aptitudes, abilities, and personal characteristics needed to assist him in making a valid vocational choice and plan.

(d) To use tests or techniques for the measurement of aptitudes and interests only when developed or approved by the United States Employment Service.

(e) To provide information concerning a training course or other services for which a fee is charged only when the applicant understands that providing the information does not constitute a recommendation.

(f) To cooperate with schools, organizations, and other agencies to:

(1) Plan the most effective use of services and to avoid duplication.

(2) Undertake cooperative projects of mutual use.

(3) Obtain and provide information needed in the counseling process.

(4) Establish and maintain procedures for referring individuals between agencies.

(5) Provide for mutual assistance in strengthening counseling services by inter-changing special methods which have proved successful in counseling.

§ 604.4 Special service to veterans. It is the policy of the United States Employment Service:

(a) To provide veterans with the maximum of job opportunity in the field of gainful employment through the use of total employment service staff and facilities in supplying counseling and placement services to veterans.

(b) To maintain a program for developing job opportunities for veterans with special emphasis on the disabled veterans.

(c) To give priority in selection and referral to qualified veterans; and to give priority to disabled veterans over other veterans.

(d) To provide preferential treatment in all local office services to disabled veterans.

(e) To provide registration and employment counseling services to discharges at such military hospitals as will make available physical capacities information.

(f) To provide to military separation centers information concerning employment service operations and assistance

in the use of employment service tools and materials.

(g) To encourage and to participate in the establishment of community advisory centers for veterans where needed.

(h) To provide information to veterans concerning appropriate agencies through which benefits and services may be obtained.

(i) To cooperate with employers in establishing on-the-job training programs when justified by the actual or anticipated needs of the employer for skilled workers and in consideration of the long-term occupational opportunity afforded the trainee upon completion of the course.

(j) To cooperate closely with other agencies of the Government, public and private organizations, employers, and workers by making available such specific technical and statistical information and materials as are pertinent and useful in the planning, operation, and control of on-the-job training programs.

(k) To enlist the cooperation of veterans' organizations in promoting programs for the employment and vocational adjustment of veterans.

§ 604.5 Agricultural and related industry placement services. It is the policy of the United States Employment Service, effective January 1, 1948: To provide placement services by furnishing adequate facilities for meeting the labor requirements of agriculture and related industries including, when necessary, provision for special recruitment and referral programs and for the orderly and expeditious movement of migrant workers to successive job opportunities.

§ 604.6 Service to youth. It is the policy of the United States Employment Service:

(a) To facilitate employment of youth entering the labor market by promoting employer acceptance on the basis of qualifications.

(b) To refer young workers to jobs which are not injurious to their health and welfare, and which insofar as practicable offer opportunity for advancement.

(c) To maintain cooperative relations with the schools, training agencies, and other community groups to facilitate the entry of young workers into employment.

§ 604.7 Service to the handicapped. It is the policy of the United States Employment Service:

(a) To provide such selective placement services to handicapped applicants as are necessary to promote for them equal opportunity for employment at equal wages in competition with other workers.

(b) To determine the occupational qualifications of handicapped applicants by obtaining complete information concerning work experience, training, and personal characteristics, including physical capacities and working conditions to be avoided.

(c) To obtain only such information about disabilities as is significant for counseling and placement purposes.

(d) To provide service without requiring a medical report, but to seek the assistance of medical sources in appraising the physical capacities of handicapped

applicants when necessary for providing effective service.

(e) To refer handicapped applicants to jobs suited to their physical capacities and which will not aggravate their disabilities or endanger others.

(f) To conduct educational programs with employers, employer groups, labor unions, and the community to promote and develop employment opportunities for handicapped workers.

(g) To coordinate its selective placement activities with those of other groups and agencies serving the handicapped.

§ 604.8 Service to minority groups. It is the policy of the United States Employment Service:

(a) To promote employment opportunity for all applicants on the basis of their skills, abilities and job qualifications.

(b) To make definite and continuous effort with employers with whom relationships are established, to the end that their hiring specifications be based exclusively on job performance factors.

§ 604.9 Preparation and use of labor market information. It is the policy of the United States Employment Service:

(a) To collect and analyze labor market information on a regular basis in all local offices as a part of the employment service operation.

(b) To maintain uniformity and comparability in the reporting of labor market data derived from employment service operations through adherence to definitions of reporting items, use of specified forms, and observance of reporting due dates as prescribed by the United States Employment Service.

(c) To use appropriate labor market data and activity reports in the formulation of employment service policies and program and in the management and supervision of employment office operations.

(d) To provide labor market information for public dissemination.

(e) To provide available labor market information to representatives of Federal, State and local government agencies for their use, subject to applicable non-disclosure policies, in the performance of their official duties.

§ 604.10 Occupational testing. It is the policy of the United States Employment Service:

(a) To use objective tests and techniques for the measurement of skills and aptitudes when such use will contribute to sound vocational counseling and placement.

(b) To use tests only when developed or approved by the United States Employment Service.

(c) To use tests in accordance with the applicable standards.

(d) To establish a testing service in those local offices in which a need for such facilities exists.

(e) To make cooperative arrangements for the testing of employment service applicants by other agencies only with the approval of the United States Employment Service.

(f) To release test materials to private employers and non-profit vocational guidance and placement agencies, upon

approval by the United States Employment Service.

§ 604.11 *Industrial services.* It is the policy of the United States Employment Service:

(a) To develop and promote the use of materials and methods in the field of occupational analysis which will advance the stability of employment.

(b) To cooperate with interested employers, workers, educational and training organizations, other government agencies, and community groups, and to make available such information, technical materials, and assistance as constitute personnel management aids.

(c) To offer only those materials and techniques which have been developed or recommended by the United States Employment Service.

(d) To refrain from participation or involvement in wage disputes or bargaining agreements.

§ 604.12 *Community participation.* It is the policy of the United States Employment Service:

(a) To cooperate with other agencies of government, and private and community organizations to improve the employment process in the community and to participate in community programs for the same purposes.

(b) To make the facilities and technical resources of the employment service available to other government agencies and public or private non-fee charging agencies in accomplishing objectives which relate to the placement or vocational adjustment of workers or potential workers.

§ 604.13 *Foreign labor.* It is the policy of the United States Employment Service: To provide for the recruitment of foreign workers for employment in the United States or for the recruitment of domestic workers for employment in foreign countries only when such recruitment is in accordance with provisions of an agreement or arrangement between the United States and a foreign government, except when such recruitment of domestic workers is for employment by the United States in a foreign country.

§ 604.14 *Employer relations.* It is the policy of the United States Employment Service:

(a) To promote the maximum use of employment office facilities and services by employers in the recruitment and retention of their required labor force.

(b) To make the services of the local office available on an equitable basis to all employers in the local office area except those for whom other agencies are directed by law to provide free employment service.

(c) To remain impartial in disputes between employer and worker.

(d) To give information to employers concerning labor market conditions and legislation affecting employment but to refrain from making interpretations of such laws.

§ 604.15 *Information service.* It is the policy of the United States Employment Service:

(a) To keep the public informed through the fair use of all normal media of public information about employment office operations and services and to advise workers, employers and the general public concerning conditions and fluctuations of the labor market.

(b) To make no unauthorized public mention of names and addresses of applicants or employers.

§ 604.16 *Disclosure of information.* It is the policy of the United States Employment Service to permit disclosure of information from the files and records of the employment service:

(a) To individual applicants and employers to the extent necessary for the efficient performance of recruitment, placement, employment counseling, and other employment service functions.

(b) To any properly identified claimant for benefits or payments under a State, territorial, or Federal unemployment compensation or readjustment allowance law or to his duly authorized representative, information which directly concerns the claimant and as is reasonably necessary for the proper presentation of his claim.

(c) To any officer or employee of any agency of the Federal Government or of a State or territorial government, lawfully charged with the administration of a Federal, State or territorial unemployment compensation or readjustment allowance law, but only for purposes reasonably necessary for the proper administration of such law.

(d) To any officer or employee of any agency of the Federal Government or a State or territorial government, lawfully charged with the administration of a law providing for old age assistance, or other public assistance, work relief, pension, retirement, or other benefit payments, but only for purposes reasonably necessary for the proper administration of such law.

(e) To applicants, employers, and the public, general information concerning employment opportunities, employment levels and trends, and labor supply and demand, provided such release or publication does not include information identifiable to individual applicants, employers, or employing establishments.

(f) To individuals, organizations, and agencies or for purposes other than as specified in paragraphs (a), (b), (c), (d), or (e) of this section if such disclosure will not impede the operation of, and is not inconsistent with the purposes of, the public employment service program, and is authorized in writing in individual cases by the State agency/official responsible for the employment service program.

Dated at Washington, D. C., this 14th day of August 1950.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 50-7597; Filed, Aug. 30, 1950;
8:46 a. m.]

TITLE 29—LABOR

Chapter IV—Child Labor Branch, Department of Labor

[Hazardous-Occupations Order 7, Amdts.]

PART 422—OCCUPATIONS PARTICULARLY HAZARDOUS FOR EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING

OCCUPATIONS INVOLVED IN OPERATION OF POWER-DRIVEN HOISTING APPARATUS

Since the effective date of Hazardous-Occupations Order No. 7, effective September 1, 1946 (11 F. R. 7719), available information indicates that work in occupations which require riding on a manlift involves considerable accident hazard. The purpose of the amendments set forth below is to add such occupations to the occupations which have been found to be particularly hazardous for employment of minors between 16 and 18 years of age or detrimental to their health or well-being.

On January 12, 1950, notice was published in the FEDERAL REGISTER (15 F. R. 175) that the Secretary of Labor proposed to amend § 422.7 (a) (2) and § 422.7 (b) in the manner hereinafter set forth. Interested parties were given 30 days notice within which to submit data, views, or arguments pertaining thereto. The notice period has expired and all relevant matter has been carefully considered. This material discloses no substantial reason for revision of the proposed order.

Accordingly, pursuant to the authority vested in me by section 3 (1) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. and Sup.; 201 et seq.) and Reorganization Plan No. 2 of 1946 adopted pursuant to the Reorganization Act of 1945 (59 Stat. 613) and in accordance with the procedure governing determinations of hazardous occupations (29 CFR part 421), § 422.7 (a) (2) is amended to read as follows:

1. Section 422.7 (a) (2) is amended to read as follows:

§ 422.7 *Occupations involved in the operation of power-driven hoisting apparatus—(a) Findings and declaration of fact.* * * *

(2) Work which involves riding on a freight elevator or on a manlift. (Where employees are customarily transported to their work place at the beginning and end of scheduled work periods in a freight elevator operated by an assigned operator, such riding shall not be considered as work within the intent of this paragraph.)

2. Section 422.7 (b) is hereby amended by adding subparagraph (6) as follows:

(b) *Definitions.* * * *
(6) The term "manlift" shall mean a device intended for the conveyance of persons which consists of platforms or brackets mounted on, or attached to, an endless belt, cable, chain or similar method of suspension; such belt, cable or chain operating in a substantially vertical direction and being supported by

and driven through pulleys, sheaves or sprockets at the top and bottom.

These amendments shall become effective September 30, 1950.

(Sec. 3, 52 Stat. 1061, 11 F. R. 7873, 60 Stat. 1095; 29 U. S. C. 203, 5 U. S. C. 133y-16)

Signed at Washington, D. C., this 23d day of August 1950.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 50-7609; Filed, Aug. 30, 1950;
8:47 a. m.]

[Hazardous-Occupations Order 8]

**PART 422—OCCUPATIONS PARTICULARLY
HAZARDOUS FOR THE EMPLOYMENT OF
MINORS BETWEEN 16 AND 18 YEARS OF
AGE OR DETRIMENTAL TO THEIR HEALTH
OR WELL-BEING**

**OCCUPATIONS INVOLVED IN OPERATION OF
POWER-DRIVEN METAL FORMING, PUNCH-
ING, AND SHEARING MACHINES**

On January 12, 1950, notice was published in the *FEDERAL REGISTER* (15 F. R. 175) that the Secretary of Labor proposed to adopt a hazardous-occupations order as therein set forth providing that for the purposes of section 3 (1) of the Fair Labor Standards Act of 1938, as amended, the occupations of operator of or helper on certain power-driven metal forming, punching, and shearing machines are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being. The notice provided for a 30-day period within which interested persons were permitted to submit data, views and arguments pertaining thereto. The notice period has expired and all relevant material, including the reports of investigation, has been carefully considered. This material indicates that in addition to the exemption for apprentices as provided in the proposed order, some provision should be made for exemptions to be granted upon a finding by the Secretary of Labor that the employment of the minor or minors conforms substantially to Federal apprenticeship standards. Accordingly, the order has been revised to permit an exemption for minors, other than apprentices, upon an application to the Secretary of Labor showing that the minor or minors are employed in an apprenticeable trade under a written agreement for organized training which meets the standards prescribed for such exemption. The revised order also provides for a minor change in § 422.8 (a) designed to clarify the description of the safety devices necessary to exempt a pressing or punching machine from coverage of the order.

Now, therefore, pursuant to the authority vested in me by section 3 (1) of the Fair Labor Standards Act, as amended, (52 Stat. 1060, as amended; 29 U. S. C. and Sup., 201 et seq.) and Reorganization Plan No. 2 of 1946 adopted pursuant to the Reorganization Act of 1945 (59 Stat. 613) and in accordance with the procedure governing determinations of hazardous occupations

(29 CFR Part 421), I, Maurice J. Tobin, Secretary of Labor, hereby adopt the following finding, declaration and order, designated as Hazardous Occupations Order No. 8:

§ 422.8 *Occupations involving the operation of power-driven metal forming, punching, and shearing machines—(a) Finding and declaration of fact.* The occupation of operator of or helper on the following power-driven metal forming, punching and shearing machines is particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being, and employment in such occupations is therefore prohibited under section 12 of the Fair Labor Standards Act, as amended:

(1) All rolling machines, such as beading, straightening, corrugating, flanging, or bending rolls; and hot or cold rolling mills.

(2) All pressing or punching machines, such as punch presses except those provided with full automatic feed and ejection and with a fixed barrier guard to prevent the hands or fingers of the operator from entering the area between the dies; power presses; and plate punches.

(3) All bending machines, such as apron brakes and press brakes.

(4) All hammering machines, such as drop hammers and power hammers.

(5) All shearing machines, such as guillotine or squaring shears; alligator shears; and rotary shears.

(b) *Definitions.* As used in this section:

(1) The term "operator" shall mean one who operates a forming, punching, or shearing machine by performing such functions as setting up the machine, starting and stopping it, placing the work in the machine and removing the finished work from the machine, and performing other related functions in connection with its operation.

(2) The term "helper" shall mean one who assists in the operation of a forming, punching, or shearing machine by helping place the work in or remove it from the machine.

(3) The term "forming, punching, and shearing machines" shall mean power-driven metal-working machines, other than machine tools, which change the shape of or cut metal by means of tools, such as dies, rolls, or knives which are mounted on rams, plungers, or other moving parts. Types of forming, punching, and shearing machines enumerated in this section are the machines to which the designation is by custom applied.

(c) *Exemptions.* This order shall not apply to the employment of apprentices in the occupations herein declared particularly hazardous; *Provided*, That (1) the apprentice is employed in a craft recognized as an apprenticeable trade, (2) the work of the apprentice in the occupations herein declared hazardous is incidental to the apprentice training, is intermittent and for short periods of time, and is under the direct and close supervision of a journeyman as a necessary part of such apprentice training, and (3) the apprentice is registered by the Bureau of Apprenticeship of the

United States Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by a State agency as employed in accordance with the standards of the State apprenticeship agency recognized by the Bureau of Apprenticeship, or is employed under a written apprenticeship agreement under conditions which substantially conform to such Federal or State standards as determined by the Secretary of Labor.

In addition to the exemption for apprentices provided in the foregoing paragraph, upon application to the Secretary of Labor, an exemption may be granted for minors employed under a written agreement for organized training which provides for at least 4,000 hours of employment in a craft recognized as an apprenticeable trade and under conditions which the Secretary of Labor finds to conform substantially to Federal apprenticeship standards, provided that the work of the minor in the occupations herein declared hazardous is incidental to his training, is intermittent and for short periods of time, and is under the direct and close supervision of a journeyman.

(d) *Higher standard.* This section shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established therein.

Effective date. This order shall become effective October 30, 1950.

(Sec. 3, 52 Stat. 1061, Reorg. Plan No. 2 of 1946, 11 F. R. 7873, 60 Stat. 1095; 29 U. S. C. 203, 5 U. S. C. 133y-16)

Signed at Washington, D. C., this 23d day of August 1950.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 50-7661; Filed, Aug. 30, 1950;
8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

DECORATIONS FOR INDIVIDUALS

Sections 578.1 through 578.11 are rescinded and the following §§ 578.1 through 578.25a are substituted therefor:

Sec.	
578.1	General.
578.2	Military decorations.
578.3	Awards of decorations.
578.4	Recommendations.
578.5	Announcement of awards.
578.6	Presentation.
578.7	Record.
578.8	Replacement.
578.9	Engraving.
578.10	Exhibition.
578.11	Medal of Honor.
578.12	Distinguished-Service Cross.
578.13	Distinguished-Service Medal.
578.14	Silver Star.
578.15	Legion of Merit.
578.16	Distinguished-Flying Cross.
578.17	Soldier's Medal.
578.18	Bronze Star Medal.
578.19	Air Medal.

Sec.	
578.20	Commendation Ribbon with Metal Pendant.
578.21	Purple Heart.
578.22	Medal for Merit.
578.23	Medal of Freedom.
578.24	Appurtenances to military decorations.
578.25	Foreign decorations.
578.25a	Supply of decorations and appurtenances.

AUTHORITY: §§ 578.1 through 578.25a issued under R. S. 161; 5 U. S. C. 22; statutory provisions interpreted or applied are cited to text in parentheses.

DERIVATION: AR 600-45, June 27, 1950.

§ 578.1 *General*—(a) *Purpose.* The primary purpose of the decorations system is to provide tangible evidence of public recognition of acts of heroism performed and valuable services rendered. Military decorations are awarded in recognition of and as a reward for heroic, extraordinary, outstanding, and meritorious acts, achievements, and services, and such visible evidence of recognition is cherished accordingly by the recipients. Awards of decorations, when properly utilized, are potent incentives to greater effort and are instrumental in building and maintaining morale.

(b) *Standards.* Decorations are primarily intended to recognize acts, achievements, and services in time of war; therefore, the standards established during a war period cannot be applied in time of peace without depreciating the value of decorations.

(c) *Successive awards.* The award of a military decoration will not be made to recognize the continuation of the same or similar type services as those which have been previously recognized by the award of a decoration for meritorious service.

(d) *Interim awards.* The award of an appropriate lesser military decoration may be made in recognition of an act, achievement, or service pending final action on a recommendation for a higher award. Each such lesser award will be revoked simultaneously with the award of a higher military decoration for the same act.

(e) *Duplication of awards.* Not more than one military decoration will be awarded for the same act, achievement, or period of meritorious service, except that a decoration may be awarded for an act of heroism performed within a period which has been recognized by the award of a decoration for meritorious service.

(f) *Duplication of issue.* Not more than one of each military decoration will be issued to any one individual, but for each succeeding award of the same decoration an Oak Leaf Cluster will be issued in lieu thereof, except in cases of succeeding awards of the Legion of Merit and Medal of Freedom to foreigners, and posthumous awards of the Purple Heart as hereinafter prescribed. This paragraph will not be interpreted as precluding the issue of replacements as prescribed in § 578.8.

(g) *Determination of status.* The status, whether military or civilian, at the time of the act, achievement, or service will serve to establish the eligibility of an individual for the type of award of military decoration.

(h) *Conversion awards.* Awards of certain decorations on the basis of existing letters, certificates, and/or orders, as hereinafter authorized, will be made only upon application of the individuals concerned to The Adjutant General, Washington 25, D. C.

(i) *Character of service.* No decoration shall be awarded or presented to any individual whose entire service subsequent to the time of the distinguished act, achievement, or service shall not have been honorable.

§ 578.2 *Military decorations.* Decorations authorized to be awarded, as hereinafter prescribed are:

(a) *To military personnel.*

- (1) Medal of Honor.
- (2) Distinguished-Service Cross.
- (3) Distinguished-Service Medal.
- (4) Silver Star.
- (5) Legion of Merit.
- (6) Distinguished-Flying Cross.
- (7) Soldier's Medal.
- (8) Bronze Star Medal.
- (9) Air Medal.
- (10) Commendation Ribbon with Metal Pendant.
- (11) Purple Heart.

(b) *To civilian personnel.*

- (1) Distinguished-Service Cross.
- (2) Silver Star.
- (3) Bronze Star Medal.
- (4) Air Medal.
- (5) Purple Heart.
- (6) Medal for Merit.
- (7) Medal of Freedom.

§ 578.3 *Awards of decorations*—(a) *General.* Decorations are awarded by the President, the Secretary of the Army, or by designated commanders. A commander to whom authority has been delegated to award decorations is authorized to make awards only to individuals who were assigned or attached to his command at the time of the act, achievement, or service, and to individuals eligible to receive a decoration who were physically present within his command under competent orders for acts of heroism performed within his command. Authority to award decorations, when delegated to commanders will not be further delegated except when specifically authorized. Whenever authority to award a decoration has not been specifically delegated, the recommendation will be forwarded through command channels to The Adjutant General for final action. No decoration will be awarded for meritorious service performed by an officer in time of peace until the organizational assignment in which the service was rendered has been terminated, nor will an award be made to any officer above the grade of captain solely for service in an administrative position. Length of service of an individual or termination of assignment of a commander will not in itself justify a peacetime award.

(b) *By whom awarded.* Awards of the Medal of Honor and Medal for Merit are made by the President; awards of all other military decorations will be made by the Secretary of the Army, except as follows:

(1) During a period of military operations against an armed enemy, and for a period of 1 year thereafter, authority

to award military decorations is delegated as follows:

(i) The Distinguished-Service Cross, Silver Star, Distinguished-Flying Cross, Soldier's Medal, Bronze Star Medal, Air Medal, and Commendation Ribbon with Metal Pendant may be awarded to members of the Armed Forces of the United States by the commanding general of any separate force outside the continental United States or by subordinate commanders to whom he may delegate this authority: *Provided*, That the authority will not be delegated to any commander below the grade of major general: *And further provided*, That no award will be made to a member of the Navy or Air Force without the concurrence of respective senior Navy or Air Force commander present.

(ii) The Legion of Merit may be awarded only by commanders specifically designated by the Secretary of the Army.

(iii) The Purple Heart may be awarded to members of the Armed Forces of the United States by the commanding general of any separate force outside the continental United States who is in the grade of major general or higher or by any field-grade officer to whom he may delegate the authority.

(iv) The Distinguished-Service Cross, Silver Star, Distinguished-Flying Cross, Soldier's Medal, Bronze Star Medal, and Air Medal may be awarded by the commanders indicated in subdivision (i) of this subparagraph to members of the armed forces of friendly foreign nations, provided the grade of the recipient is below that equivalent to United States colonel, and that concurrence has been secured from the senior field commander of the recipient's force whose grade at the time of concurrence was equivalent at least to the grade of United States brigadier general.

(v) The Distinguished-Service Cross and Silver Star may be awarded by the commanding general of a United States Army force in a theater of operations to officers and members of crews of ships of the United States Merchant Marine serving under his jurisdiction.

(vi) The Purple Heart may be awarded by the commanding general of any separate force outside the continental United States who is in the grade of major general or higher, or by any field-grade officer to whom he may delegate the authority, to officers and members of crews of ships of the United States Merchant Marine serving within the area of his command, to civilian citizens of the United States serving with the Army, and to civilian citizens of the United States whose presence within the command has been approved (examples: War correspondents, Red Cross and USO personnel, etc.).

(vii) The Medal of Freedom may be awarded by the commanding general of a theater of operations whose grade is that of a major general or higher, in recognition of an achievement or service performed by a civilian within the territorial limits of his command.

(viii) Except as indicated above, all recommendations for awards to civilians will be forwarded through command channels to The Adjutant General for approval by the President.

(2) Other than during a period of military operations against an armed enemy and for a period of 1 year thereafter, the Commendation Ribbon with Metal Pendant may be awarded by a commanding general in the grade of lieutenant general or higher, or by a major general commanding an army, to any member of the Armed Forces of the United States below the grade of major, but only when the period of service for which the award is made exceeds 6 months. The commanding generals of the United States Army, Pacific, United States Army, Caribbean; United States Army, Alaska, and Military District of Washington are considered to be commanding an "Army" within the meaning of this section.

(3) The President has sole authority to award the Medal for Merit.

(4) United States military decorations will not be awarded to foreign personnel for peacetime service, except that the Legion of Merit may be awarded to members of the armed forces of foreign nations and the Medal of Freedom may be awarded to foreign civilians.

(c) *Posthumous awards.* In the event an individual who has distinguished himself or herself dies before the making of an award of a decoration to which entitled, the award may nevertheless be made and the decorations and/or device presented to the next-of-kin as indicated by the records of the Department of the Army, in the following precedence: Widow or widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, or eldest grandchild. Posthumous awards made by commanders outside the continental United States will be forwarded to The Adjutant General as prescribed in § 578.6 (b) (2) (i).

§ 578.4 *Recommendations*—(a) *By whom submitted.* A recommendation for the award of a decoration may be submitted by any individual having knowledge of an act, achievement, or service believed to warrant the award of a decoration.

(b) *Disapprovals.* Whenever a recommendation for the award of a decoration is disapproved, the disapproving officer will indicate the specific reason or reasons for such action. The disapproval of a recommendation by an officer subordinate to the commander having authority to award the decoration will not alone constitute authority for the return of the recommendation to the initiator, except that recommendations for an award for meritorious service which describe only performance of normal duty in time of peace will be automatically disapproved and returned to the initiator.

(c) *Consideration for lower awards.* All recommendations which have been finally disapproved by the commander having authority to award the decoration recommended will be considered by that commander for the awards of a lower appropriate decoration which, if approved, will be awarded in lieu thereof.

(d) *Time limits.* No military decoration will be awarded to any person after more than 3 years from the date of the act, achievement, or service justifying an award, or unless the recommendation was submitted through military

channels within 2 years from the date of said act, achievement, or service, except:

(1) Recommendations for awards of military decorations for acts, achievements, and service performed between 7 December 1941 and 2 September 1945, inclusive, which are submitted through official channels prior 3 May 1951.

(2) Recommendations for awards of military decorations in cases where prior similar recommendations have been acted upon by commanders who had authority to approve the awards, provided the requests for reconsideration or upgrading are submitted within any of the time limits prescribed above and that such requests are accompanied by new and material evidence in support thereof.

(3) Requests for the award of appropriate military decorations based on existing orders, letters, or certificates and for the exchange of military decorations as may be authorized by the regulations of this part.

(e) *Lost recommendations.* Whenever a recommendation has been initiated and placed in official channels within the time limits prescribed above and has become lost, the certificate of an officer or affidavit of an enlisted man to that effect, accompanied by a copy of the recommendation or, if a copy is not available, a statement of the substance of the original recommendation, may be accepted and the case considered on its merits.

§ 578.5 *Announcements of awards*—

(a) *Current awards.* Each current award of a United States military decoration will be announced in general orders by the commander authorized to make the award.

(b) *Conversion awards.* Decorations which are awarded on the basis of existing orders, letters, or certificates will not be announced in general orders, but will be published in appropriate letter orders by authorized commanders.

§ 578.6 *Presentation*—(a) *Medal of Honor.* Whenever practicable, all persons to whom the Medal of Honor has been awarded will be ordered or invited to Washington, D. C., where presentation will be made by the President. The presentation ceremony, which normally will be in the presence of appropriate high dignitaries and officers, will be simple and without attendant troops or music. Whenever the Medal of Honor is awarded posthumously or when the recipient has died prior to the presentation, the next-of-kin may, at the discretion of the President, be invited to Washington, D. C., for presentation by him. In event presentation to such next-of-kin is not made by the President, it will be made by such person as may be designated by him, acting as his personal representative.

(b) *Decorations other than Medal of Honor.* (1) Presentations to military personnel will be made with formal and impressive ceremony.

(2) Presentations to United States military personnel will be made by the commanders who awarded the decorations or by officers personally designated by them, except:

(i) In cases where decorations have been awarded posthumously, or to persons who have died prior to presentation,

or to persons missing in action, by commanders outside the continental United States, the orders announcing the award, together with the citation and other appropriate related papers will be forwarded to The Adjutant General, who will cause presentation to be made to next-of-kin.

(ii) In any case where the recipient is no longer assigned to his command, the commander making the award will forward the orders announcing the award, together with the citation and other appropriate related papers, for presentation by the present commander of the recipient.

(3) Presentations to former military personnel and to the next-of-kin residing within the continental United States will be made by the respective commanders having jurisdiction over the army areas in which such persons reside, or by officers designated by them. Nothing in §§ 578.1 through 578.25a will be construed as precluding the propriety of pinning a military decoration on the clothing of former military personnel and civilian next-of-kin, although the actual wearing of the decoration by such person may not be authorized.

(4) The Medal for Merit will be presented to respective civilian recipients by the President, or at his direction.

(5) All military decorations other than the Medal for Merit awarded to civilian citizens of the United States will be presented in the same manner as prescribed in subparagraph (3) of this paragraph.

(6) Decorations awarded to foreign civilians and to members of the armed forces of foreign nations will be presented by or at the direction of the commander authorized to make the award.

(7) Decorations which have been awarded on the basis of existing orders, letters, or certificates will not normally be presented with formal ceremony. However, if a formal presentation is desired, nothing in §§ 578.1 through 578.25a will be construed as precluding such ceremony, provided no expense to the Government is incurred by reason thereof.

§ 578.7 *Record.* Each award of a military decoration will be noted in the military records of the respective recipient and in the unit history of his organization in manner prescribed by current regulations.

§ 578.8 *Replacement.* Whenever a decoration and/or appurtenance shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was awarded, replacement shall be made without charge therefor.

(40 Stat. 871; 10 U. S. C. 1416)

§ 578.9 *Engraving.* Each Medal of Honor will be engraved on the reverse with the grade, name, and organization of the recipient and all other United States military decorations will be engraved on the reverse with the name of the recipient. Normally, engraving will be accomplished prior to presentation; however, whenever a decoration which has not been engraved has been presented, the recipient will be advised of his privilege to forward the decoration

requesting that it be appropriately engraved. The cost of engraving such decoration, except those issued for exhibition purposes as indicated in § 578.10 (b), whether an original issue or replacement, will be borne by the Department of the Army.

§ 578.10 *Exhibition*—(a) *Governmental agencies*. Upon approval by the Secretary of the Army, samples of military decorations may be furnished, without charge, for one display at the headquarters of each army and higher field commander, in the offices of the chiefs of governmental agencies not under military jurisdiction where opportunity for the public to view the display is assured, and in each office of the Department of the Army, the functions of which include matters pertaining to decorations.

(b) *Civilian institutions*. Upon approval by the Secretary of the Army, samples of military decorations may be furnished at cost price (including the cost of engraving, packing, and shipment), to museums, libraries, historical, numismatic, and military societies and institutions of such public nature as will assure an opportunity for the public to view the exhibits under circumstances beneficial to the Army. All decorations furnished to civilian institutions for exhibition purposes will be engraved with the words "For Exhibition Purposes Only."

§ 578.11 *Medal of Honor*—(a) *To whom awarded*. The Medal of Honor is awarded, in the name of Congress, to each person who, while an officer or enlisted person of the Army, shall have distinguished himself or herself conspicuously by gallantry and intrepidity at the risk of his or her life above and beyond the call of duty in action involving actual conflict with an enemy.

(b) *Standards*. The deed performed must have been one of personal bravery of self-sacrifice above and beyond the call of duty, so conspicuous as to clearly distinguish the individual for gallantry and intrepidity above his or her comrades and must have involved risk of life or performance of more than ordinarily hazardous service, the omission of which would not justly subject the person to censure for shortcoming or failure in the performance of duty. Incontestable proof of the performance of the service will be exacted and each recommendation for the award of this decoration will be considered on the standard of extraordinary merit.

(c) *Description*. A gold-finished bronze star, one point down, $1\frac{1}{16}$ inches in diameter with rays terminating in trefoils, surrounded by a laurel wreath in green enamel, suspended by two links from a bar bearing the inscription "Valor" and surmounted by an eagle grasping laurel leaves in one claw and arrows in the other. In the center of the star is the head of Minerva surrounded by the inscription "United States of America." Each ray of the star bears an oak leaf in green enamel. On the reverse of the bar are stamped the words "The Congress To." The medal is suspended by a hook to a ring fastened behind the eagle. The hook is attached

to a light-blue moiré silk neckband, $1\frac{1}{16}$ inches in width and $2\frac{1}{4}$ inches in length, behind a square pad in the center made of the ribbon with the corners turned in. On the ribbon bar are 13 white stars arranged in the form of a triple chevron, consisting of two chevrons of 5 stars and one chevron of 3 stars.

(d) *Medal of Honor roll*. Each former member of the Army who has attained the age of 65 years to whom the Medal of Honor has been awarded for gallantry or intrepidity in action against the enemy, shall, upon written application, have his name recorded on a roll designated as the "Army and Navy Medal of Honor Roll," provided such person was honorably discharged from the service by muster-out, resignation, or otherwise, and each such person, whose name has been entered on said roll, shall be certified to the Veterans Administration as being entitled to receive a special pension of \$10 per month, for life, payable quarterly by said Administration. The payment of this special pension shall be in addition to and shall not deprive the special pensioner from any other pension, benefit, right, or privilege to which he or she is or may thereafter be entitled.

(12 Stat. 623, 40 Stat. 870; 10 U. S. C. 1403)

§ 578.12 *Distinguished-Service Cross*—(a) *To whom awarded*. The Distinguished-Service Cross is awarded to any person who, while serving in any capacity with the Army of the United States, shall have distinguished himself or herself by extraordinary heroism in connection with military operations against an armed enemy.

(b) *Standards*. The act or acts of heroism performed must have been so notable and have involved risk of life so extraordinary as to set the individual apart from his or her comrades.

(c) *Description*. A cross of bronze 2 inches in height and $1\frac{1}{16}$ inches in width with an eagle on the center and a scroll below the eagle bearing the inscription "For Valor." On the reverse, the center of the cross is circled by a wreath. The cross is suspended by a ring from a moiré silk ribbon, $1\frac{1}{16}$ inches in length and $1\frac{1}{16}$ inches in width, composed of a band of red ($\frac{1}{16}$ -inch), white ($\frac{1}{16}$ -inch), blue (1-inch), white ($\frac{1}{16}$ -inch), and red ($\frac{1}{16}$ -inch).

(40 Stat. 870; 10 U. S. C. 1406)

§ 578.13 *Distinguished-Service Medal*—(a) *To whom awarded*. The Distinguished-Service Medal is awarded to any person who, while serving in any capacity with the Army of the United States, shall have distinguished himself or herself by exceptionally meritorious service to the Government in a duty of great responsibility.

(b) *Standards*. (1) The term "duty of great responsibility" will be interpreted to mean a duty of such a character that exceptionally meritorious service therein has contributed in a high degree to the success of a major command, installation, or project. The performance must be such as to merit recognition for service which is clearly exceptional. Superior performance of normal duty

will not alone justify an award of this decoration.

(2) In time of peace, the award of this decoration will be made only to responsible heads and will be limited to duty of marked international or national significance performed under unusually complicated or frequently hazardous conditions. Few awards of this decoration will be made for duty performed entirely in time of peace.

(3) The accomplishment of the duty should have been completed prior to submitting a recommendation, or if the person being recommended has been transferred prior to completion, the accomplishment must have progressed to what may be clearly determined to be an exceptional degree.

(4) This decoration will not be awarded to persons other than members of the Armed Forces of the United States for peacetime service. Awards may be made to persons other than members of the Armed Forces of the United States for wartime services, but only under exceptional circumstances and with the express approval of the President, in each individual case.

(c) *Description*. The coat of arms of the United States in bronze surrounded by a circle of dark-blue enamel $1\frac{1}{2}$ inches in diameter, bearing the inscription "For Distinguished Service MCMXVIII." On the reverse, a blank scroll upon a trophy of flags and weapons. The medal is suspended by a bar from a moiré silk ribbon, $1\frac{1}{16}$ inches in length and $1\frac{1}{16}$ inches in width, composed of a band of scarlet ($\frac{1}{16}$ -inch), a stripe of dark blue ($\frac{1}{16}$ -inch), a band of white ($\frac{1}{16}$ -inch), a stripe of dark blue ($\frac{1}{16}$ -inch), and a band of scarlet ($\frac{1}{16}$ -inch).

(40 Stat. 870; 10 U. S. C. 1407, 1408)

§ 578.14 *Silver Star*—(a) *To whom awarded*. The Silver Star is awarded to any person who, while serving in any capacity with the Army, has distinguished himself or herself by gallantry in action not warranting the award of the Medal of Honor or Distinguished-Service Cross, and to any person who, while serving in any capacity with the Army, received a citation for gallantry in action published in orders issued at the headquarters of a force commanded by a general officer.

(b) *Standards*. (1) The required gallantry, while of lesser degree than required for the award of the Medal of Honor or Distinguished-Service Cross, must nevertheless have been performed with marked distinction.

(2) Awards may be made, upon application, to those individuals who, prior to 7 December 1941, have been cited for gallantry in action in orders as indicated in paragraph (a) of this section.

(c) *Description*. A bronze star $1\frac{1}{2}$ inches in circumscribing diameter. In the center thereof is a $\frac{7}{16}$ -inch diameter raised silver star, the center lines of all rays of both stars coinciding. The reverse has the inscription "For Gallantry In Action." The star is suspended by a rectangular shaped metal loop with corners rounded from a moiré silk ribbon $1\frac{1}{16}$ inches in length and $1\frac{1}{16}$ inches in width, composed of stripes of blue ($\frac{3}{32}$ -inch), white ($\frac{3}{32}$ -inch), blue ($\frac{7}{32}$ -inch),

white ($\frac{7}{32}$ -inch), red ($\frac{7}{32}$ -inch), white ($\frac{7}{32}$ -inch), blue ($\frac{7}{32}$ -inch), white ($\frac{3}{16}$ -inch), and blue ($\frac{3}{16}$ -inch).

(40 Stat. 871, 41 Stat. 398, 56 Stat. 1052; 10 U. S. C. 1412)

§ 578.15 *Legion of Merit*—(a) *To whom awarded.* The Legion of Merit is awarded to any member of the Armed Forces of the United States or of a friendly foreign nation who shall have distinguished himself or herself by exceptionally meritorious conduct in the performance of outstanding services.

(b) *Standards*—(1) *Armed Forces of United States.* (i) The performance must have been such as to merit recognition for service which was clearly exceptional. Superior performance of normal duties will not alone justify an award of this decoration.

(ii) In time of peace, the award of this decoration will be made only to key individuals and will be limited to duty of marked international or national significance performed under unusually complicated or frequently hazardous conditions in cases where the services of such individuals have contributed in a high degree to the success of the project. Few awards of this decoration will be made for duty performed entirely in time of peace.

(iii) The accomplishment of the duty should have been completed prior to submitting a recommendation, or if the person being recommended has been transferred prior to completion, the accomplishment must have progressed to what may be clearly determined to be an exceptional degree.

(iv) Awards will be made without reference to degree and, for each such award, the Legion of Merit (Legionnaire) will be issued.

(2) *Armed forces of friendly foreign nations.* (i) The performance of outstanding services must have been such that it may be clearly determined that the individual has distinguished himself or herself by exceptionally meritorious conduct in the performance thereof.

(ii) Awards of this decoration in the degrees of Chief Commander and Commander are comparable to awards of the Distinguished-Service Medal and the standards prescribed in § 578.13 (b) (1), (2), and (3) shall be applied in considering such awards.

(iii) Awards of this decoration in the degrees of Officer and Legionnaire are comparable to awards of the Legion of Merit to members of the Armed Forces of the United States and the standards prescribed in subparagraphs (1) (i), (ii), and (iii) of this paragraph shall be applied in considering such awards.

(iv) Each award will be made in one of the following degrees, which are listed in order of rank:

- (a) Chief Commander.
- (b) Commander.
- (c) Officer.
- (d) Legionnaire.

(v) For each succeeding award of this decoration, the award will be in the same or higher degree as the previous award. A succeeding award in a lower degree is not authorized.

(c) *Description*—(1) *Chief Commander.* A domed five-pointed Ameri-

can white star plaque of heraldic form bordered in purplish-red enamel $2\frac{1}{16}$ inches circumscribing diameter with 13 white stars on a blue field emerging from a circle of clouds; backing the star, a laurel wreath with pierced, crossed arrows pointing outward between each arm of the star and the wreath. The reverse is engraved with the words "United States of America."

(2) *Commander.* A five-pointed American white star of heraldic form bordered in purplish-red enamel $2\frac{1}{4}$ inches circumscribing diameter with 13 white stars on a blue field emerging from a circle of clouds; backing the star, a laurel wreath with pierced, crossed arrows pointing outward between each arm of the star and the wreath. A bronze wreath connects an oval suspension ring to a neck ribbon. The reverse of the five-pointed star is enameled in white, bordered in purplish-red enamel; in the center is a disk surrounded by the words "Annuit Coeptis" and "MDCCLXXXII," and on the scroll are the words "United States of America." The moired silk neck ribbon is $2\frac{1}{4}$ inches in length and $1\frac{1}{16}$ inches in width composed of a band of purplish-red ($1\frac{1}{16}$ inches) with edges of white ($\frac{1}{16}$ -inch).

(3) *Officer.* A five-pointed American white star of heraldic form bordered in purplish-red enamel $1\frac{3}{4}$ inches circumscribing diameter with 13 white stars on a blue field emerging from a circle of clouds; backing the star, a laurel wreath with modeled, crossed arrows pointing outward between each arm of the star and the wreath, and an all-bronze device of the same design as the pendant $\frac{3}{4}$ -inch in diameter on the center of the suspension ribbon. On the reverse is a disk surrounded by the words "Annuit Coeptis" and "MDCCLXXXII," and on the scroll are the words "United States of America." The pendant is suspended by a moired silk ribbon $1\frac{1}{8}$ inches in length and $1\frac{3}{8}$ inches in width, composed of a band of purplish-red ($1\frac{1}{4}$ inches) with edges of white ($\frac{1}{16}$ -inch).

(4) *Legionnaire.* Same as prescribed in subparagraph (3) of this paragraph, except the all-bronze device is not worn on the ribbon.

(56 Stat. 662; 10 U. S. C. 1408b; E. O. 9260, 29 Oct. 1942, 7 F. R. 8819)

§ 578.16 *Distinguished-Flying Cross*—(a) *To whom awarded.* The Distinguished-Flying Cross is awarded to any member of the Armed Forces of the United States and of friendly foreign nations who, while serving in any capacity with the Army of the United States, shall have distinguished himself or herself by heroism or extraordinary achievement while participating in aerial flight.

(b) *Standards.* The performance of the act of heroism must be evidenced by voluntary action in the face of great danger above and beyond the line of duty while participating in aerial flight. The extraordinary achievement while participating in aerial flight must have resulted in an accomplishment so exceptional and outstanding as to clearly set the individual apart from his comrades, none of whom have been recognized for the identical achievement.

(c) *Description.* On a bronze $1\frac{1}{2}$ -inch cross pattée, a four-bladed propeller $1\frac{1}{16}$ inches across the blades; in the reentrant angles, rays forming a 1-inch square. The cross is suspended by a plain, straight link from a moired-silk ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width, composed of stripes of blue ($\frac{7}{16}$ -inch), white ($\frac{7}{16}$ -inch), blue ($\frac{2}{16}$ -inch), white ($\frac{7}{16}$ -inch), red ($\frac{7}{16}$ -inch), white ($\frac{7}{16}$ -inch), blue ($\frac{2}{16}$ -inch), white ($\frac{7}{16}$ -inch), and blue ($\frac{7}{16}$ -inch).

(44 Stat. 789, 50 Stat. 549; 10 U. S. C. 1429; E. O. 4601, March 1, 1927, as amended by E. O. 7736, Jan. 8, 1938, 3 F. R. 39)

§ 578.17 *Soldier's Medal*—(a) *To whom awarded.* The Soldier's Medal is awarded to any person who, while serving in any capacity with the Army of the United States, shall have distinguished himself or herself by heroism not involving actual conflict with an armed enemy.

(b) *Standards.* The same degree of heroism is required as that for an award of the Distinguished-Flying Cross. The performance must have involved personal hazard or danger and the voluntary risk of life under conditions other than those involving conflict with an armed enemy. Awards will not be made solely on the basis of having saved a life. The award of this decoration will be limited to members of the Armed Forces of the United States and of friendly foreign nations.

(c) *Description.* On a $1\frac{3}{8}$ -inch bronze octagon an eagle displayed, standing on a fasces, between two groups of stars of six and seven, above the group of six a spray of leaves. On the reverse is a shield paly of 13 pieces on the chief, the letters "U. S." supported by sprays of laurel and oak, around the upper edge the inscription "Soldier's Medal," and across the face the words "For Valor." The medal is suspended by a rectangular-shaped metal loop with corners rounded from a moired silk ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width, composed of two outside stripes of blue ($\frac{3}{8}$ -inch), the center containing 13 white and red stripes of equal width (7 white and 6 red).

(44 Stat. 789; 10 U. S. C. 1428)

§ 578.18 *Bronze Star Medal*—(a) *To whom awarded.* The Bronze Star Medal is awarded to any person who, while serving in any capacity in or with the Army of the United States, on or after December 7, 1941, shall have distinguished himself or herself by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy.

(b) *Standards*—(1) *Heroism.* Awards may be made for acts of heroism performed in actual ground combat against an armed enemy which are of lesser degree than required for the award of the Silver Star.

(2) *Meritorious achievement and service.* (i) Awards may be made to recognize single acts of merit and meritorious service. The required achievement or service, while of lesser degree than required for the award of the Legion of Merit, must nevertheless have been

the shield of General Washington's coat of arms between two sprays of leaves in green enamel. On the reverse below the shield and leaves without enamel is a raised bronze heart with the inscription "For Military Merit". The entire device is $1\frac{1}{4}$ inches in length. The medal is suspended by a rectangular-shaped loop with corners rounded from a moiré silk ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width, consisting of a purple (pansy) center with white edges ($\frac{1}{8}$ -inch).

§ 578.22 *Medal for Merit*—(a) *To whom awarded.* The Medal for Merit is awarded to civilians of the nations prosecuting the war under the joint declaration of the United Nations and of other friendly foreign nations who have, subsequent to the proclamation of an emergency by the President, distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services.

(b) *Standards.* Awards to civilians of foreign friendly nations will be made only for exceptionally meritorious or courageous acts performed in furtherance of the war efforts of the United Nations.

(c) *Description.* An eagle displayed standing on a vertical sheaf of arrows bearing the inscription "Novus Ordo Seclorum," all gold-finished bronze, in front of a ring of dark-blue enamel $1\frac{1}{2}$ inches in diameter, bearing 13 white enamel stars. On the gold-finished bronze reverse, the ring, in front of the eagle and arrows in reverse, the words "United States of America" at the top and "For Merit" at the bottom in front of a spray of laurel leaves. The medal is connected to the suspension ring by a wreath of laurel leaves, green enamel on the front and gold-finished bronze on the back. The medal is suspended by a moiré silk ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width, composed of a stripe of purplish-red ($\frac{1}{16}$ -inch), a stripe of white ($\frac{1}{16}$ -inch), a stripe of purplish-red ($\frac{1}{16}$ -inch), a stripe of white ($\frac{1}{16}$ -inch), and a stripe of purplish-red ($\frac{1}{16}$ -inch).

(56 Stat. 662; 10 U. S. C. 1408b; E. O. 9637, October 3, 1945, 10 F. R. 12543, as amended by E. O. 9857A, May 27, 1947, 12 F. R. 3583)

§ 578.23 *Medal of Freedom*—(a) *To whom awarded.* The Medal of Freedom is awarded to any person, other than a member of the Armed Forces of the United States who, on or after December 7, 1941, shall have performed a meritorious act or service which has aided the United States in the prosecution of a war against an armed enemy or enemies, or has similarly aided any nation engaged with the United States in the prosecution of a war against a common enemy or enemies, when the award of any other United States military decoration is deemed inappropriate.

(b) *Standards*—(i) *Citizens and habitual residents of United States.* (1) This decoration may be awarded to a citizen of the United States for any act or service performed within a recognized or designated active theater of combat operations.

(ii) The required degree of performance of the act or achievement shall be the same as that required for an award

of the Bronze Star Medal to members of the armed forces.

(iii) Awards will be made without reference to degree and the Medal of Freedom without Palm will be issued.

(2) *Citizens and members of armed forces of foreign nations.* (i) The Medal of Freedom will be awarded in one of the following degrees which corresponds to the respective military decorations indicated:

(a) Gold Palm (Legion of Merit, Chief Commander).

(b) Silver Palm (Legion of Merit, Commander).

(c) Bronze Palm (Legion of Merit, Officer and Legionnaire).

(d) Without Palm (Bronze Star Medal).

(ii) For each succeeding award of this decoration, the award will be in a higher degree than the previous award. A subsequent award in the same or lower degree is not authorized.

(c) *Description.* The medal of bronze is $1\frac{1}{4}$ inches in diameter. On the obverse are the head, shoulders, and headdress of Freedom (taken from the statue on top of the United States Capitol dome). In the lower portion in an arc is the inscription "Freedom." On the reverse is the "Liberty Bell" without carriage, within a circle composed of the words "United States of America." The medal is suspended by a ring from a moiré silk ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width, composed of red ($\frac{7}{16}$ -inch), white ($\frac{1}{32}$ -inch), red ($\frac{1}{8}$ -inch), white ($\frac{1}{32}$ -inch), red ($\frac{1}{8}$ -inch), white ($\frac{1}{32}$ -inch), red ($\frac{1}{8}$ -inch), white ($\frac{1}{32}$ -inch), and red ($\frac{7}{16}$ -inch).

(E. O. 9586, July 6, 1945, 10 F. R. 8523)

§ 578.24 *Appurtenances to Military Decorations*—(a) *Oak-Leaf Cluster*—

(1) *General.* A bronze Oak-Leaf Cluster is issued in lieu of a decoration for each succeeding award of the same United States military decoration to the same person, except awards of the Medal of Freedom and Legion of Merit to foreign personnel, and posthumous awards of the Purple Heart, and is worn attached to the ribbons of the decoration it represents. A silver Oak-Leaf Cluster may be worn in lieu of five bronze Oak-Leaf Clusters for the same decoration.

(2) *Description.* A bronze (or silver) twig of four oak leaves with three acorns on the stem, $1\frac{1}{2}$ -inch in length for a suspension ribbon and $\frac{5}{16}$ -inch in length for a service ribbon.

(b) *Letter "V" Device*—(1) *General.* The letter "V" device is worn on the suspension and service ribbons on the Bronze Star Medal to denote an award has been made for heroism (valor). Not more than one letter "V" device will be worn, regardless of the number of awards of the Bronze Star Medal made for heroism.

(2) *Description.* A bronze block letter "V" $\frac{1}{4}$ -inch in height with serifs at the top of the members.

(c) *Palm*—(1) *General.* A gold, silver, or bronze Palm is worn on the suspension and service ribbons of the Medal of Freedom awarded to foreign personnel to denote the degree in which the decoration has been awarded, except cases where the decoration has been awarded without Palm.

(2) *Description.* A gold, silver, or bronze Palm $1\frac{1}{8}$ inches in length.

(d) *Service ribbon.* A ribbon identical in color with the suspension ribbon of the decoration it represents attached to a bar $1\frac{3}{8}$ inches in width and $\frac{3}{8}$ inch in length, equipped with a suitable attaching device. A service ribbon is issued with each decoration.

(e) *Lapel button.* A lapel button $\frac{1}{8}$ -inch in length and $\frac{21}{32}$ -inch in width is a colored enamel replica of the respective service ribbon. An enamel lapel button is issued with each decoration except the Medal of Honor and Medal for Merit.

(f) *Rosette*—(1) *Medal of Honor rosette.* A hexagonal shape of light-blue ribbon $\frac{1}{2}$ -inch circumscribing diameter, with a fan-shaped ribbon insert showing white stars, equipped with a button back.

(2) *Medal for Merit rosette.* A circular cup shape of purplish-red ribbon, $\frac{1}{2}$ -inch circumscribing diameter, with a fan-shaped ribbon insert showing purplish-red and white stripes, equipped with a button back.

(g) *Container.* A container, either plastic or leather-covered, and plush-lined, containing a decoration, service ribbon, and lapel button or rosette. Each decoration awarded will be furnished in an appropriate container.

(h) *Certificate for decoration.* A certificate will be issued for each United States military decoration awarded, except the Medal for Merit and Medal of Freedom, normally at the time of the award, and will be presented at the presentation ceremony. Certificates for decorations are standard Department of the Army forms and no other form of certificate will be issued to indicate the award of a decoration.

(i) *Miniature decorations and appurtenances.* Miniature decorations and appurtenances are replicas of the corresponding decorations and appurtenances on the scale of one-half.

§ 578.25 *Foreign decorations*—(a) *Consent required.* No person holding any office of profit or trust under them (the United States) shall, without the consent of Congress, accept any present, emolument, office or title, of any kind whatever, from any King, Prince, or foreign state.

(b) *Congressional authorization.* Except for such foreign awards as previously may have been specifically authorized by the Congress to be accepted, each tender of an award by a foreign government to a member of the Army will be forwarded through The Adjutant General to the Department of State, where it will be held in escrow pending approval by the Congress for the proposed recipient to accept. No foreign decorations or ribbons therefore will be worn prior to such approval by the Congress.

(c) *Authorization not required*—(1) *Former members of armed forces of friendly foreign nations.* The approval of the Congress, as prescribed in paragraph (a) of this section is not required to accept any foreign decoration tendered or awarded for services while the recipient is a bona fide member of the armed forces of the respective foreign nation and provided the award is duly accepted in accordance with the regu-

lations of the nation making the award prior to the recipient's entry into active Federal service in the Armed Forces of the United States.

(2) *Members of Organized Reserve Corps.* A Reserve officer while not on active duty and while not holding a position of profit or trust under the Government may, without specific consent of Congress, accept a foreign decoration and may, when authorized to do so by Army regulations, wear such decoration on his uniform.

(3) *Posthumous.* The approval of the Congress, as prescribed in paragraph (a) of this section, is not required to accept any foreign decoration tendered or awarded posthumously to a former member of the Army.

§ 578.25a *Supply of decorations and appurtenances—(a) Items furnished.* The following items will be furnished by the Department of the Army:

- (1) Decoration.
- (2) Oak-Leaf Clusters.
- (3) Letter "V" devices.
- (4) Palms.
- (5) Service ribbons.
- (6) Lapel buttons.
- (7) Rosettes.
- (8) Certificates for decorations.
- (9) Containers for decorations.

(b) *Items not furnished.* The following items are not issued or sold by the Department of the Army:

- (1) Miniature decorations and appurtenances.
- (2) Miniature service ribbons.
- (3) Miniature devices.

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

[P. R. Doc. 50-7567; Filed, Aug. 30, 1950;
8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

[Regs. U-10, U-12, Amdt.]

PART 251—LAND USES

SPECIAL USE PERMITS; CHARGE OR OTHER CONSIDERATION

By virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), Regulations U-10 and U-12 of the rules and regulations governing the occupancy, use, protection and administration of the national forests, which constitute §§ 251.1 and 251.3, Part 251, Chapter II, Title 36, Code of Federal Regulations, are amended to read as follows:

1. Paragraph (a) (1) of § 251.1 is amended to read as follows:

§ 251.1 *Special use permits, archaeological permits, leases and easements; general conditions.—(a) Special uses.* (1) All uses of national forest lands, improvements, and resources, including the uses authorized by the act of March 4, 1915 (38 Stat. 1101; 16 U. S. C. 497), the act of March 30, 1948 (62 Stat. 100; 48

U. S. C. 341), and section 7 of the act of April 24, 1950 (Pub. Law 478, 81st Cong.), and excepting those provided for in the regulations governing the disposal of timber and the grazing of livestock or specifically authorized by acts of Congress, shall be designated "special uses," and shall be authorized by "Special use permits."

2. Section 251.3 is amended to read as follows:

§ 251.3 *Charge or other consideration for special use permits.* (a) Special use permits, except as otherwise provided in this section or § 251.2, or specifically authorized by the Secretary of Agriculture, shall require the payment of a fee or charge commensurate with the value of the use authorized by the permit, the amount of which shall be prescribed by the Chief of the Forest Service.

(b) Special use permits issued under section 7 of the act of April 24, 1950, may require as all or a part of the consideration the reconditioning and maintenance of the government-owned or controlled structures, improvements, and land to a satisfactory standard: *Provided*, That the total consideration so received shall be commensurate with the value of the use authorized by the permit when the use is of a commercial nature.

(c) Special use permits involving government-owned or controlled buildings, structures, or other improvements which require caretakers' services, or the furnishing of special services such as water, electric lights, and clean-up, may require the payment of an additional fee or charge to cover the costs of such services.

(Sec. 1, 30 Stat. 35, as amended, 62 Stat. 100; 16 U. S. C. 551. Interpret or apply sec. 1, 33 Stat. 628; 16 U. S. C. 472)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, this 25th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[P. R. Doc. 50-7608; Filed, Aug. 30, 1950;
8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS' CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.0, paragraph (b) is amended to read as follows:

§ 3.0 *World Wars I and II.* . . .

(b) World War II shall comprise the period between December 7, 1941, to December 31, 1946, both dates inclusive (section 9 (a), Public Law 144, 78th Congress). Veterans Regulation 1 (a), Part I, as amended (38 U. S. C. ch. 12), is applicable in determination of entitlement to disability compensation and allows wartime rates and criteria in cases (1) where there was service during the period December 7, 1941, through December 31, 1946, and (2) where service began during such period and continued

thereafter, and disability occurred or resulted from injuries or diseases or aggravation of preexisting injuries or diseases in active service as to (1) during the period specified therein and as to (2) during the period beginning December 7, 1941, and ending at midnight on July 25, 1947. However, by virtue of Part II, Veterans Regulation 1 (a), as amended by Public Law 359, 77th Congress, as amended, disabilities incurred or aggravated in an enlistment or employment entered into on and after January 1, 1947, and suffered prior to or on the official termination of the war, July 25, 1947, are compensable at Veterans Regulation 1 (a), Part I, as amended, rates. The criteria governing service-connection or other conditions of entitlement in cases of this latter category will be those provided in Veterans Regulation 1 (a), Part II, as amended.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 4, 48 Stat. 9, sec. 5, 50 Stat. 661, E. O. 6156, as amended; 38 U. S. C. 424a, 704, 38 U. S. C. ch. 12 note)

2. Sections 3.1 and 3.2 are amended to read as follows:

§ 3.1 *Persons included in the acts in addition to commissioned officers and enlisted men—(a) Field clerks, Quartermaster's Corps.* Field clerks, Quartermaster's Corps, are included as enlisted men.

(b) *Army field clerks.* Army field clerks had the same military status as field clerks, Quartermaster's Corps, and are included as enlisted men.

(c) *Philippine Scouts and others.* Philippine Scouts, the Insular Force of the Navy, Samoan Native Guard, and Samoan Native Band of the Navy are within the terms of the acts, except that neither the Philippine Scouts nor the Insular Force of the Navy were, or are, included in Article II of the War Risk Insurance Act. However, Philippine Scouts enlisted under section 14 of Public Law 190, 79th Congress, approved October 6, 1945, are subject to the limitations contained in Public Law 391, 79th Congress. Benefits are accordingly limited to compensation payable for service-connected disability or death. Members of the organized military forces of the Government of the Commonwealth of the Philippines are included for purposes of the laws administered by the Veterans' Administration providing for the payment of compensation on account of service-connected disability or death from and after the dates and hours, respectively, that they were called into service of the Armed Forces of the United States by orders issued from time to time by the General Officer, United States Army, designated by the Secretary of War. (Sec. 2 (a) (12), Public No. 127, 73d Congress, and Public Law 301, 79th Congress). This includes a person who became a member of a unit so called or ordered into the Armed Forces of the United States upon its reorganization and return to military control prior to July 1, 1946. It does not include the service of such a person during the period subsequent to his release following the capitulation or after parole by

the Japanese as a prisoner of war, when he was in an inactive status, prior to the time he joined a recognized guerrilla force or returned to military control as certified by the United States Armed Forces. Persons who served as guerrillas under a commissioned officer of the United States Army, Navy, or Marine Corps, or under a commissioned officer of the Commonwealth Army recognized by and cooperating with the United States forces are also included: *Provided*, That service as a guerrilla by a person who also was a Philippine Scout or a member of the Armed Forces of the United States, other than a member of the Commonwealth Army, will be considered as service in his regular status of Philippine Scout or member of the Armed Forces of the United States. However, unless the record shows examination at time of entrance into the Armed Forces of the United States, such persons are not entitled to the presumption of soundness. This will also apply upon reentering the Armed Forces after a period of inactive service. Service of such Commonwealth forces in the United States Armed Forces was terminated as of June 30, 1946, by the military order of the President dated July 1, 1946. (Therefore, such Philippine Army service rendered on or after July 1, 1946, is not service in the United States Armed Forces within the purview of the laws administered by the Veterans' Administration.) Compensation payable to members of the organized military forces of the Government of the Commonwealth of the Philippines, under the conditions set forth above, and to Philippine Scouts who enlisted under section 14, Public Law 190, 79th Congress, shall be paid at the rate of one Philippine peso for each dollar authorized to be paid under the laws providing for such compensation. Where a veteran, who had Commonwealth Army or guerrilla service and also had other service, wartime or peacetime, in the Armed Forces of the United States, has compensable disabilities due to the service entitling to compensation on a peso basis and due to service entitling to compensation on a dollar basis, the disabilities will be combined as usual, applying the provisions of Part IV, Veterans' Regulation 1 (a) (38 U. S. C. ch. 12), where there is disability due to wartime and peacetime service. In computing the amount due, the evaluation for which dollars are payable will be first considered and the difference between this evaluation and the combined evaluation will be the basis for computing the amount due in pesos.

(d) *Students in aviation camps.* Students in aviation camps who were enlisted men are included.

(e) *Commissioned officers, Public Health Service.* Officers of the Public Health Service who were detailed for duty with the Army or Navy are included as officers in the active service. On or after November 11, 1943, commissioned officers of the Public Health Service, regular and reserve, who (1) are detailed for duty with the Army, Navy, or Coast Guard; (2) are serving in time of war outside the continental limits of the United States or in Alaska, regardless of whether the disability or

death was suffered prior or subsequent to November 11, 1943: *Provided, however*, That benefits may not be awarded for any period prior to November 11, 1943; or (3) perform active service in time of war and following the issuance of an Executive order declaring the commissioned corps of the Public Health Service a part of the military forces of the United States are also included. In regard to subparagraph (3) of this paragraph, the Executive order was published on June 29, 1945, effective July 29, 1945; hence, on and after the latter date and for the duration of World War II, the above-described commissioned officers of the Public Health Service, with respect to active service performed, shall be considered as in active military or naval service and included within the acts administered by the Veterans' Administration.

(Sec. 212, Pub. Law 410, 78th Cong.; E. O. 9575, June 21, 1945)

(f) *Male nurses, enlisted.* Male nurses who were enlisted men of the Medical Department are included.

(g) *Retired officers or men ordered to active duty.* Officers and men on the retired list who were ordered to active duty by the War Department or Navy Department were in active service and are included.

(h) *Personnel of Lighthouse Service.* The personnel of the Lighthouse Service transferred to the service and jurisdiction of the War and Navy Department by Executive order pursuant to the act of August 29, 1916, are included.

(i) *Army Nurse Corps, Navy Nurse Corps, and female dietetic and physical therapy personnel.* Members of the Army Nurse Corps (female) and the Navy Nurse Corps (female) when employed in the active service under the War Department or Navy Department. Female dietetic and physical therapy personnel (exclusive of students and apprentices) appointed with relative rank on or after December 22, 1942 (Public Law 828, 77th Congress), or commissioned on or after June 22, 1944 (Public Law 350, 78th Congress.)

(j) *Alien beneficiaries.* A veteran discharged for alienage during a period of hostilities is ineligible for benefits, unless he can establish that it was not pursuant to his own request. Where the character of the veteran's discharge is changed to honorable by a board established under the authority contained in section 301, Public Law 346, 78th Congress, as amended, or section 207, Public Law 601, 79th Congress, it will be considered that the discharge for alienage was not issued at the veteran's own request. A veteran who was discharged for alienage after the termination of hostilities and whose service was honest and faithful is not barred from benefits if he is found to be otherwise entitled thereto.

(k) *Members of training camps authorized by law.* Except as to persons who served as members of students army training corps camps held at the Presidio of San Francisco, Plattsburg, New York, and Fort Sheridan, Illinois, from July 18, 1918, to September 16, 1918, members of training camps authorized by section 54 of the National Defense Act, are included.

(1) *Reserve Officers and members of the Enlisted Reserves; members of the National Guard of the United States and the federally recognized National Guard of the several States, Territories and the District of Columbia—*(1) *Reserve service—*(1) *Public No. 159, 75th Congress (act of June 23, 1937); Army and Air Force.* Active service, including service for training purposes (inactive duty excluded) performed in time of peace on or after June 15, 1933, by Reserve officers and members of the Enlisted Reserves of the Army and Air Force, is considered as active military service. Compensation may be payable for disease or injury connected with such service regardless of the period for which the reservist was called to active duty.

(ii) *Public No. 159, 75th Congress as modified by Public No. 732, 75th Congress (act of June 25, 1938); Navy, Marine Corps, and Coast Guard.* For periods on and after June 15, 1933, in time of peace, members of the Naval (organized and volunteer) and Marine Corps Reserves are considered as performing active service while performing active duty with or without pay, training duty with or without pay drills, equivalent instruction or duty, appropriate duty, or other prescribed duty, or while performing authorized travel to or from such duties. By virtue of section 211, Public Law 8, 77th Congress, the provisions of this subdivision are applicable to Reserve officers and enlisted members of the Coast Guard Reserve (except temporary members thereof) who rendered such service on or after February 19, 1941, in time of peace. Compensation may be payable for disease or injury connected with such service regardless of the period for which the Reservist was called to duty.

(iii) *Sections 1 and 2, Public Law 108, 81st Congress (act of June 20, 1949).* Reserve officers and enlisted members of the Reserves of the Navy, Marine Corps, Coast Guard, Army and Air Force:

(a) Who were called or ordered into active military or naval service for a period in excess of 30 days who suffer disability from disease while so employed, or

(b) Who were called or ordered into active military or naval service, or to perform active duty for training, or inactive duty training, for any period of time and suffer disability from injury (disease is not regarded as an injury) while so employed are considered to have been in active service during such period for the purposes of sections 1 and 2, Public Law 108, 81st Congress.

(2) *National Guard.* The following members of the National Guard and the surviving dependents of such persons are entitled to the benefits provided by section 3, Public Law 108, 81st Congress: officers, warrant officers, and enlisted men of the National Guard of the United States, both ground and air, and the federally recognized National Guard of the several States, Territories, and the District of Columbia:

(1) Who are engaged for a period in excess of 30 days in any type of training or active duty under sections 5, 81, 92, 94, 97, or 99 of the National Defense Act

(act of June 3, 1916), as amended, and suffer disability or death from disease while so employed; or

(1) Who are engaged for any period of time in any type of training or active duty under such sections of the National Defense Act, as amended, and suffer disability or death from injury (disease is not regarded as an injury) while so employed.

(3) *Rating criteria and rates.* The rating criteria and rates payable based on the service of a Reservist or National Guardsman shall be those provided in Veterans Regulation 1 (a), Part I or Part II, as amended (38 U. S. C. ch. 12), as applicable. As to commencing date of awards see § 3.212 (d).

(m) *Cadets and midshipmen.* Cadets and midshipmen (Army, Navy, and Coast Guard) suffering from disabilities incurred in the line of duty while assigned to duties constituting war service, which includes practice cruises at sea but excludes practice maneuvers at West Point, during the period of one of the hostilities enumerated in Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12) (limited in the case of the Coast Guard to service on or after January 28, 1915), are entitled to compensation for such disability at the rate provided in Veterans Regulation No. 1 (a), Part I, as amended, if otherwise entitled. Cadets and midshipmen (Army, Navy, and Coast Guard) who are disabled by reason of a wound or injury received or a disease contracted while pursuing the prescribed course of instruction at the academies and in line of duty (limited in the case of the Coast Guard to such courses of instruction on or after January 28, 1915) are entitled to compensation at the rate prescribed in Veterans Regulation 1 (a), Part II, if otherwise entitled. Midshipmen (Navy and Coast Guard) assigned to practice cruises or cadets or midshipmen otherwise actually assigned to active duty for a total of at least 90 days during a period of hostilities enumerated in Veterans Regulation 1 (a), as amended (limited in the case of the Coast Guard to service on or after January 28, 1915), who are now suffering from a disability permanent and total in degree, but which is not connected with any period of service, are entitled to a pension at the rate prescribed in Veterans Regulation 1 (a), Part III, if otherwise entitled. Service as a cadet at the United States Military Academy or as a midshipman at the United States Naval Academy or as a cadet at the United States Coast Guard Academy on or after December 7, 1941, and before 12 o'clock noon, December 31, 1946, shall be considered active military or naval service in World War II for the purposes of laws administered by the Veterans' Administration.

(Sec. 10, Pub. Law 144, 78th Cong.)

(n) *Under Public No. 2, 73d Congress, and Public Law 300, 78th Congress.* (1) Persons who on or after April 6, 1917, and prior to November 12, 1918, applied for enlistment or enrollment in the active service who were provisionally accepted and ordered to report to a place for final acceptance or who were drafted and after reporting pursuant to call of

their local draft board, or who were called into the Federal service as members of the National Guard but before enrollment for Federal service suffered an injury or disease in line of duty, are included.

(2) (i) Any person who on or after August 27, 1940, and prior to January 1, 1947, applied for enlistment or enrollment in the active military or naval forces and who was provisionally accepted and directed or ordered to report to a place for final acceptance into such military or naval service, or who was selected for service and after reporting pursuant to the call of his local board and prior to rejection, who after being called in the Federal service as a member of the National Guard but before being enrolled for the Federal service, or who after being called into active service as a member of the Reserve but prior to reporting at camp for such service, suffered an injury or a disease in line of duty and not the result of his own willful misconduct, is included: *Provided*, That payments of compensation under the terms of this subparagraph shall not be effective prior to May 11, 1944.

(ii) The provisions of Public Law 300, 78th Congress, attach whenever a person is acting pursuant to an order of his draft board, including an order to report to the board for a pre-induction examination. The protection covers any injury or disease which was acquired during time spent away from home or en route home in connection with such order and as a result thereof. An injury or disease which was suffered on the trip when reporting for active duty or final induction is covered. The injury or disease to be compensable must be attributable to some cause or factor relating to his activity in connection with complying with proper orders. These provisions do not extend to such persons as to disease or injury suffered during the period of inactive duty or period of waiting after passing final physical examination and prior to beginning the trip to report for induction. Such protection also applies to a member of the National Guard after he reports to a designated rendezvous pursuant to proper call.

(o) *Women citizens of the United States.* Women citizens of the United States who were taken from the United States by the United States Government and who served in base hospitals overseas, including reconstruction aides and stenographers who served so, are included.

(p) *Commissioned officers of the Coast and Geodetic Survey.* Pursuant to section 2, Public Law 786, 77th Congress, commissioned officers of the Coast and Geodetic Survey who are assigned during the period of World War II to duty on projects for the War Department or the Navy Department in areas outside the continental United States or in Alaska, or in coastal areas of the United States, determined by the War or Navy Department to be of immediate hazard, shall while on such duty be considered as performing active military or naval service: *Provided*, Commissioned officers of the Coast and Geodetic Survey serving in the Philippine Islands on December 7, 1941, will be considered as in the active

military or naval service from and including that date: *Provided*, That compensation under this act may not be awarded concurrently with United States employees compensation; *And provided further*, That benefits may not be awarded prior to December 3, 1942.

(q) *Commissioned officers and enlisted personnel of the Women's Army Corps.* On and after July 1, 1943, commissioned officers and enlisted personnel of the Women's Army Corps, from the date of commission or enlistment, shall be entitled to the same rights, privileges, and benefits as members of the Officers' Reserve Corps or enlisted men of the United States Army, respectively.

(Pub. Law 110, 78th Cong.)

(r) *Commissioned or enlisted members of the Women's Reserve of the Navy, Marine Corps, or Coast Guard.* On or after November 8, 1943, commissioned or enlisted members of the Women's Reserve of the Navy or Marine Corps, and on or after December 23, 1943, commissioned or enlisted members of the Women's Reserve of the Coast Guard are entitled to the same rights, privileges, and benefits as members of the Officers' Reserve Corps or enlisted men of the United States Navy, Marine Corps, or Coast Guard, respectively.

(s) *Coast Guard.* Personnel of the United States Coast Guard who served on or after January 28, 1915. (Acts of July 2, 1930, and July 18, 1941.) *Provided*, That no award of disability compensation under Public Law 182, 77th Congress, to former personnel of the United States Coast Guard who served on or after January 28, 1915, and prior to July 2, 1930, shall be effective prior to the date of receipt on or after July 18, 1941, of an acceptable application, formal or informal, as required in disability claims generally.)

(t) *Personnel of the National Guard or the National Guard of the United States, while in the active service of the United States, other than service defined in paragraph (1) of this section.*

(u) *Pay clerks in the Navy.*

(v) *Paymaster clerks while serving under a commission from the Secretary of War.*

(w) *Members of the Naval Academy Band on and after April 12, 1910.*

(x) *Men inducted for training and service under Public No. 783, 76th Congress.*

(y) *Paymaster clerks in the Marine Corps.*

(z) *Aerial transportation of mail (Public No. 140, 73d Congress).* Compensation at the rates provided by Veterans Regulation 1 (a), Part I, as amended (38 U. S. C. ch. 12), is payable to any officer (including warrant and reserve officers), or any enlisted man, or his dependents where injury or death occurs while serving pursuant to the provisions of Public No. 140, 73d Congress. In the event of injury of any such officer or enlisted man the degree of disability resulting therefrom will be evaluated under the 1945 Rating Schedule and extensions. The officer or enlisted man may elect to receive either the compensation under Veterans Regulation 1 (a), Part I, as amended, or the benefits pro-

vided by section 5 of Public No. 140, 73d Congress.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 1, 46 Stat. 847, sec. 4, 48 Stat. 9, 50 Stat. 305, sec. 304, 52 Stat. 1181, as amended, sec. 4, 54 Stat. 864, as amended, sec. 1, 211, 55 Stat. 598, 12, 56 Stat. 730, as amended, 1072, sec. 2, 56 Stat. 1038, sec. 3, 10, 57 Stat. 371, 556, sec. 1, 2, 58 Stat. 324, sec. 2, 3, 212, 58 Stat. 599, 689, 60 Stat. 223, E. O. 6098, as amended, E. O. 6156, as amended; 10 U. S. C. 336, 81 note, 14 U. S. C. 311, 33 U. S. C. 855a, 34 U. S. C. 655c, 855c-1, 857a, 38 U. S. C. 238, 238c-e, 704, 730, ch. 12 note, 42 U. S. C. 213, 50 U. S. C. App. 1553, 1591, 1592)

§ 3.2 *Persons not included in the acts—(a) Members of the National Guard.* Members of the National Guard ordered to active duty for training are not, under section 112 of the National Defense Act of June 3, 1916, as amended June 15, 1933, or under Public No. 159, 75th Congress, entitled to compensation.

(b) *Organized Military Forces of the Government of the Commonwealth of the Philippines.* See § 3.1 (c).

(c) *Temporary members of the Coast Guard Reserve.* Temporary members of such reserve are not within the purview of the laws governing the Veterans' Administration.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, 38 U. S. C. and Sup. 11a, 426, 707)

3. In § 3.26, paragraph (a) is amended to read as follows:

§ 3.26 *Application for benefits.* (a) A properly completed and executed VA Form 8-526, 8-526a, or 526b, upon receipt by the Veterans' Administration, constitutes an application for benefits indicated below and will be adjudicated under the applicable laws:

VA Form 8-526, Veteran's Application for Compensation for Disability Resulting From Service in the Active Military or Naval Forces of the United States.

VA Form 8-526a, Application for Compensation Under Section 31, Public No. 141, 73d Congress, section 12, Public No. 826, 76th Congress, and section 2, paragraph 4, Public Law 16, 78th Congress.

VA Form 526b, Veteran's Application for Pension for Disability Not the Result of Service in the Active Military or Naval Forces of the United States.

Under Executive Order 6017, February 7, 1933, 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, a formal 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, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707)

4. Section 3.27 is amended to read as follows:

§ 3.27 *Informal claims.* A VA Form 8-526, designated as an application for compensation for service-connected disability, may be considered as an informal claim for pension for non-service-connected disability under Veterans Regula-

tion 1 (a), Part III (38 U. S. C. ch. 12), provided a formal application on VA Form 526b for pension for non-service-connected disability is filed within the period of 1 year. The converse of the above situation is equally true, i. e., a VA Form 526b may be accepted as an informal claim for disability compensation, provided VA Form 8-526 is filed within the period of 1 year. However, the failure of the Veterans' Administration to furnish application Form 8-526 or Form 526b will not extend the 1 year period. In death cases, accrued benefits otherwise payable may be allowed on the basis of a Form 8-526 or 526b which constitutes an informal claim only, provided the 1 year time limitation for filing a formal claim as herein described has not elapsed. In addition, 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 such 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 1 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 1 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, district office, in field death cases, the director, veterans claims service, central office, in field living 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 § 3.299 and an informal claim has been filed for a disability incurred or aggravated in the second period of service, the requirements of the seventh and eighth sentences of this section are not for application. Under Executive Order 6017, February 7, 1933, 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, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707)

5. In § 3.30, paragraph (a) is amended to read as follows:

§ 3.30 *Written and oral testimony to be under oath; administration of oaths by employees.* (a) All written testimony, whether lay or medical, submitted by or in behalf of a claimant in support of service-connection as proof that the claimant is entitled to such benefits, will be submitted under oath. For the purpose of establishing service-connection, the physical examination reports, clinical records, and transcript of records received from State, county, municipal, and recognized private institutions and contract hospitals, referred to in § 3.216 (c), must be notarized. This requirement of notarization prevails whether the report, record, or transcript is submitted at the instance of the claimant or in his behalf or pursuant to Veterans' Administration request. In cases under the jurisdiction of the Manila regional office, all hospital and clinical reports, X-ray report, and other evidence of treatment that is procured from provincial, Government, and private hospitals and clinics by the Philippine agencies or the Philippine Command, United States Army, for the purpose of submitting the evidence to the Veterans' Administration as evidence of treatment prior to July 1, 1946, which are not notarized may be received and given such weight as the entire record justifies. Claimants, their legal representatives, and witnesses in their behalf, appearing before any rating or appellate body for the purpose of presenting oral testimony, will be duly sworn.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 300, 49 Stat. 2033; 38 U. S. C. 131)

6. In § 3.65, paragraphs (a) and (c) are amended to read as follows:

§ 3.65 *Willful misconduct.* (a) A disabling condition will be considered to be the result of willful misconduct for the purpose of all adjudications under Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), and sections 27 and 28, Public No. 141, 73d Congress, as amended, when it is shown to have been incurred under conditions or in a manner set forth by Veterans Regulation 10, paragraph VIII, as amended, without regard to any prior determinations respecting the manner of its incurrence. A finding in any case that a disabling condition is of willful misconduct nature, as defined by Veterans Regulation 10, paragraph VIII, as amended, will bar any right to pension or compensation under Veterans Regulation 1 (a), as amended, and sections 27 and 28, Public No. 141, 73d Congress, as amended.

(c) In determining whether an act is due to willful misconduct, the precedents under the World War Veterans' Act, 1924, as amended, are for application except as to venereal diseases meeting the requirements of section 2, Public Law 439, 78th Congress. Generally, these precedents are to the effect that an act to be one of "willful misconduct" must be "malum in se" or "malum prohibitum" if involving conscious wrongdoing or

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known prohibited action. (Mere technical violation of police regulations or ordinances will not per se constitute "willful misconduct" but are factors for consideration in the light of the attendant circumstances.) Pursuant to Public Law 339, 81st Congress, every disease, injury, or death incurred without willful misconduct on the part of the service person while in confinement under sentence of a court-martial or a civil court will be deemed to have been incurred in line of duty unless disability was the result of a material interference with performance of military duty or unless the court-martial sentence involved an unremitted dishonorable discharge or, in the case of officers, separation under similar conditions, or the sentence of the civil court involved conviction of a felony, as defined by the laws of the jurisdiction where the person was convicted. The provisions of this paragraph will apply equally to those instances where the disability occurs during confinement prior to the actual remission of the dishonorable discharge, or separation under similar conditions: *Provided, of course*, That the dishonorable discharge or separation under similar conditions is subsequently remitted. Despite the remission of the dishonorable discharge or separation under similar conditions, there must always be borne in mind the necessity of determining under established criteria whether the presently existing discharge was under other than dishonorable conditions. If it was under dishonorable conditions, a statutory bar to entitlement exists. The determination whether the offense for which the veteran was convicted by a civil court constituted a felony will, in other than obvious cases, be made by the chief attorney of the regional office located in the State in which the civil court is also located, except in central office cases the determination will be made by the solicitor. (As to effective dates of evaluation, see § 3.148 (e).)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply E. O. 6098, as amended; 38 U. S. C. ch. 12 note)

7. In § 3.86, paragraphs (a) and (b) are amended to read as follows:

§ 3.86 *Chronic and tropical disease under Public No. 2, 73d Congress, as amended.* (a) The service-connection of chronic disease under Veterans Regulation 1 (a), Part I, paragraph I (c), as amended (38 U. S. C. ch. 12), pursuant to Public No. 2, 73d Congress, is restricted to the following:

Anemia, primary.
Arteriosclerosis.
Arthritis.
Atrophy, progressive muscular.
Brain Hemorrhage.
Brain thrombosis.
Bronchiectasis (effective June 24, 1948).
Calculi of the kidney, bladder, or gall bladder (effective June 24, 1948).

Cardiovascular-renal disease, including hypertension (This term applies to combination involvements of the type of arteriosclerosis, nephritis, and organic heart disease, and since hypertension is an early symptom long preceding the development of these diseases in their more obvious forms,

a disabling hypertension within the 1-year period will be given the same benefit of service-connection as any of the chronic diseases listed).

Cirrhosis of the liver (effective June 24, 1948).

Coccidioidomycosis (effective June 24, 1948).

Diabetes mellitus.
Encephalitis lethargica residuals.

Endocarditis (This term is intended to cover all forms of valvular heart disease).

Endocrinopathies.
Epilepsies.

Hodgkin's disease.
Leprosy.

Leukemia.
Myasthenia gravis.

Myelitis.
Myocarditis.

Nephritis.
Other organic diseases of the nervous system (effective June 24, 1948).

Osteitis deformans (Paget's disease).
Osteomalacia (effective June 24, 1948).

Palsy, bulbar.
Paralysis agitans.

Psychoses.
Purpura idiopathic, hemorrhagic (effective October 19, 1949).

Raynaud's disease (effective June 24, 1948).
Sarcoidosis (effective August 31, 1950).

Scleroderma (effective June 24, 1948).
Sclerosis, amyotrophic lateral.

Sclerosis, multiple.
Syringomyelia.

Thromboangiitis obliterans (Buerger's disease) (effective September 26, 1947).

Tuberculosis, active.

Tumors, malignant, or of the brain or spinal cord or peripheral nerves (effective June 24, 1948, as to tumors of the peripheral nerves).

Ulcers, peptic (gastric or duodenal) (effective June 24, 1948) (A proper diagnosis of gastric or duodenal ulcer (peptic ulcer) is to be considered established if it represents a medically sound interpretation of sufficient clinical findings warranting such diagnosis and provides an adequate basis for a differential diagnosis from other conditions with like symptomatology; in short, where the preponderance of evidence indicates gastric or duodenal ulcer (peptic ulcer). Whenever possible, of course, laboratory findings should be used in corroboration of the clinical data.)

(b) The service-connection of tropical diseases under Veterans Regulation 1 (a), Part I, paragraph I (c), and Part II, paragraph I (d) (38 U. S. C. ch. 12), is restricted to the following: (Effective June 24, 1948, unless otherwise indicated.)

Amoebiasis (effective August 31, 1950).
Black water fever.

Cholera.
Dracontiasis.

Dysentery.
Filariasis.

Leishmaniasis, including Kala-Azar.
Leprosy.

Loliasis.
Malaria.

Onchocerciasis.
Oroya fever.

Pinta.
Plague.

Schistosomiasis.
Yaws.

Yellow fever.
Resultant disorders or diseases originating because of therapy, administered in connection with such diseases, or as a preventative thereof.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply E. O. 6156, as amended, 38 U. S. C. ch. 12 note)

8. Section 3.95 is hereby canceled.

§ 3.95 *Service-connection for gastric or duodenal ulcer (peptic ulcer) under Public No. 2, 73d Congress.* [Canceled.]

9. In § 3.102, paragraph (a) is amended to read as follows:

§ 3.102 *Warlike service-connection.* (a) Conditions which may be considered under paragraph (b) (2) of this section are restricted to the following: Amebic dysentery; bacillary dysentery; filariasis (Bancroft's type); leishmaniasis, including kala-azar; schistosomiasis; trypanosomiasis; yaws; and malaria.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707)

10. Section 3.106 is amended to read as follows:

§ 3.106 *Evidence to establish service-connection.* (a) Service connection for dental disabilities will be established by service records, documentary evidence in the form of reports of examinations (dental or physical), affidavits of dentists or physicians, or affidavits of fact from two or more disinterested parties. The disability must be shown to have been incurred in or aggravated by service as provided herein. Affidavits by dentists or physicians must give the claimant's full name, the date he was first examined or treated, the date of subsequent treatments, if any, and contain a complete and detailed statement of the symptoms observed and diagnosis made. The name or number of all defective or missing teeth noted and the character and extent of any pathological condition of the investing tissues observed should be included. If exact dates cannot be given, the expression "on or about" an approximate date, may be considered. Vague expressions, such as "sometime after discharge", or "since discharge", will not be accepted. Affidavits from disinterested parties must show the circumstances under which knowledge of the claimant's disability was obtained and as far as possible describe the symptoms and location of the disability observed.

(b) Where, however, after all sources of information have been exhausted and all variations in the records reconciled, there remains notation of filled teeth at time of discharge or release from active service and there was no notation of these teeth as defective or filled at induction or entrance into active service, service-connection may be granted in exceptional cases for such teeth, notwithstanding there is no record of treatment during active service, provided the veteran alleges treatment in service, giving the time and place of treatment, and the conditions and circumstances of his service at the time support his allegation and inception in service is consistent with sound dental judgment. Exceptional cases contemplated in this category are where the veteran had a considerable period of service, particularly in a combat area where records of treatment may not always have been recorded due to the stress and strain encountered under battle conditions or where extenuating circumstances are

shown in those instances where the veteran served in this country or in other than combat. (This does not apply to filled teeth noted on examinations within the 1-year period subsequent to discharge unless supported by material evidence.) Service-connection should not be granted for the 3d molars at any time unless there is a definite record showing such teeth to have been diseased after a reasonable period of service or within the time limit following discharge. The 3d molars shown as present at induction and missing at discharge will not be granted service-connection unless there is an actual record of extraction for reasons other than malposition or impaction.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 48 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707)

11. In § 3.142, paragraph (b) is amended to read as follows:

§ 3.142 *Special action where evaluations provided under the Rating Schedule 1945, are considered inadequate or excessive.* * * *

(b) Rating agencies are authorized to assign total disability ratings under Veterans Regulation 1 (a), Parts I and II (38 U. S. C. ch. 12 note), as authorized by paragraph 16, page 5, 1945 Rating Schedule, regardless of the age of the veteran; and under Veterans Regulation 1 (a), Part III, subject to the age requirements of Extension 5, 1945 Rating Schedule. In favorable determinations of permanence of total disability in cases of veterans under 40 years of age, the rating agency must assure itself, by deliberative consideration in which all three members of the board participate, that there is reasonable certainty of continuance of this degree of disability throughout life. Single disabilities of the extremities, even though severe, such as amputations, should not be taken to produce permanent and total disability until it is shown after hospitalization and convalescence that the veteran has been unable to secure employment on account of the disability and through no fault of his own. With these younger men, the fact that injuries, including single or multiple fractures, or diseases such as pulmonary tuberculosis, coronary thrombosis, or malignant growths, appear resistant to treatment, or have involved, or are likely to involve, long periods of treatment or industrial inactivity, does not indicate permanence of total disability unless the end result of treatment is more likely than not to be total disability. The general rules regarding permanence, as applied to total disability ratings, are set forth in §§ 3.167 and 3.168. Employment as a member employee or similar employment other than in Veterans' Administration centers obtainable only in competition with disabled individuals, will not be considered as evidence of employability.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 48 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707.)

12. In § 3.148, a new paragraph (e) is added as follows:

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§ 3.148 *Effective dates of evaluations, 1945 Schedule, in original ratings.* * * *

(e) Where a reopened claim under section 5, Public Law 339, 81st Congress, is filed within 1 year from the date of the veteran's separation from service, evaluation will be from the date following date of discharge or October 10, 1949, whichever is the later. If such claim is not filed within a year from date of separation from service, evaluation will be from the date of claim. For the period from October 10, 1949, to November 30, 1949, the rates of compensation will be those in effect prior to the enactment of Public Law 339, 81st Congress.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 48 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply 60 Stat. 319, E. O. 6098, as amended; 38 U. S. C. 736-738, ch. 12 note)

13. In § 3.155, paragraphs (a), (b), and (d) are amended to read as follows:

§ 3.155 *Combined ratings.* (a) When there are two or more service-connected compensable disabilities, combined ratings, following the tables and rules prescribed in the 1945 Schedule, are authorized.

(b) Under Veterans' Regulation 1 (a), Part IV (38 U. S. C. ch. 12 note), a combined rating under the 1945 Schedule is authorized as between ratings for one or more disabilities resulting from wartime service and ratings for one or more disabilities resulting from peacetime service. Additional compensation for dependents should be on the basis of the wartime rates provided by section 1, Public Law 877, 80th Congress, as amended by section 4, Public Law 339, 81st Congress.

(d) Pursuant to section 202 (15), World War Veterans' Act, 1924, as amended, reenacted by Public No. 141, 73d Congress, a veteran of World War I, as defined by Public No. 141, 73d Congress, suffering from a disability of compensable degree connected with World War I service, who is entitled to compensation for a service-connected disability by reason of other military or naval service, is entitled to the evaluation and combination of his compensable service-connected disabilities in accordance with the Schedule for Rating Disabilities, 1945 edition. *Provided however,* That in the absence of a change in the severity of the condition previously evaluated under the 1925 Schedule, these evaluations will be continued and the greater benefit awarded. Additional compensation for dependents should be on the basis of the wartime rates provided by section 1, Public Law 877, 80th Congress, as amended by section 4, Public Law 339, 81st Congress.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 48 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 1, 62 Stat. 1219, as amended, E. O. 6156, as amended; 38 U. S. C. 740, ch. 12 note)

14. In § 3.172, paragraphs (b) and (c) are amended to read as follows:

§ 3.172 *Stabilization of disability evaluations.* * * *

(b) If, after according due consideration to all the evidence developed by the several items discussed in paragraph (a) of this section, doubt remains, the rating agency will continue the rating in effect, citing the former diagnosis with the new diagnosis in parentheses, and following the appropriate code there will be added the reference "Rating continued pending reexamination ----- months from this date, § 3.172." The rating board will determine upon the basis of the facts in each individual case whether 18, 24, or 30 months will be allowed to elapse before the reexamination is made.

(c) The above provisions apply to permanent ratings or to those which on account of their long continuance at the same level (5 years or more) are on a parity with permanent ratings. Such provisions are not for application in the cases of veterans so recently discharged from the service that their disability has not been stabilized. Accordingly, in these new cases and particularly when temporary disability, which is likely to improve, is under consideration reexaminations disclosing improvement of the physical or mental condition will warrant reduction of the rating.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 48 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707)

15. In § 3.173, paragraph (e) is amended to read as follows:

§ 3.173 *Determinations of incompetency or competency.* * * *

(e) (1) A determination that a veteran is incompetent may be made only in the event it is conclusively shown that he is wholly incapable of disbursing the funds he is to receive from the Veterans' Administration in a reasonably prudent manner. In other words it must be clear that due to the utter lack of consideration of values or complete disregard of his own or his dependents' needs he would wantonly dissipate his funds. Where there is any doubt as to whether he is capable of administering his funds such doubt will be resolved in favor of his competency and an award will be made to him. However, where the veteran is maintained in a Veterans' Administration hospital or center, unless assured that the veteran has made a marked recovery since last examination, and that his release from the hospital or center may be anticipated in a relatively short time, and that he will be able to handle his funds as a competent patient while hospitalized, an opinion of incompetency would be justified and consistent with the purpose of hospitalization, and should be so expressed in the report of examination. The same reasoning is equally applicable to mentally ill veterans in other U. S. Government and State hospitals. The rating boards will bear in mind the consistency of a rating of incompetency of a hospitalized veteran with a mental disability evaluated as 100 percent or with a finding of incompetency by a court of competent jurisdiction when a veteran has been adjudged by the court to be mentally ill or under a legal disability for commitment purposes only. As to court determinations generally, if the conclusion of

the rating board under § 3.174 is not in agreement with the determination of the court, as to competency or incompetency, the case will be rated according to the facts, as to degree of disability and competency, but a prominent notation of the finding of incompetency or competency by the court (naming it) will be placed on the rating. This has application especially to cases under § 3.276, in which payments may be released in behalf of the veteran through an institutional award on the basis of a finding of incompetency by a court of competent jurisdiction, whether or not such finding is in agreement with the conclusion of the rating board under § 3.174.

(2) If upon application of the rule stated in subparagraph (1) of this paragraph the rating agency concludes the veteran is incompetent, he will be so rated and the case will be referred to the chief attorney as provided by current claims procedures and § 14.200 of this chapter. The chief attorney will proceed to develop information as to the veteran's social, economic, and industrial adjustment since discharge from the service, pursuant to current medical procedures. Upon review of the evidence thus developed, if the chief attorney concurs in the rating of incompetency, he will proceed to effect the appointment of a fiduciary, or, if the veteran is married, to recommend release of payments to the veteran's wife as provided in § 14.201 (a) of this chapter. If the chief attorney determines that the veteran is sufficiently competent to administer the funds payable, the evidence will be referred to the rating agency with a statement as to his conclusion, the evidence will be reevaluated, the veteran will be rated competent, and a rating commensurate with the degree of disability assigned. If upon review of the complete evidence it is found that the evaluation previously assigned may be confirmed during any given period, the rating will reflect this fact and will also include an evaluation commensurate with the degree of disability from the date improvement is shown by the evidence. The award will be executed in accordance with the rating. If, however, it is determined from a review of the evidence that the evaluation previously assigned may not be confirmed, the rating will reflect an evaluation commensurate with the degree of disablement retroactively effective from the appropriate beginning date and the award executed accordingly. Reexaminations will not be routinely required in connection with the above-described procedure but may be called for if in the opinion of the rating agency such action is clearly necessary. In the case of a veteran suffering from mental disability who is being or has been discharged from a hospital and is rated incompetent following the rule stated in subparagraph (1) of this paragraph, the instructions contained in this section will be followed.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 1, 60 Stat. 908; 38 U. S. C. 739, ch. 12 note)

16. A new cross reference immediately preceding § 3.176 is added as follows:

CROSS REFERENCE: Determination of insanity and incompetency. (See Veterans' Administration medical procedures.)

16a. In § 3.185 (b) (1), subdivision (i) is amended to read as follows:

§ 3.185 *Re-examinations for disability rating purposes.*

(b) (1) *Scheduling examinations.*

(i) Following initial Veterans' Administration examination, re-examination, if in order, will be scheduled based on the combined non-static disabilities as follows except as otherwise provided in the Rating Schedule or Extensions:

Rating 80—100 percent in 2 years.

Rating 40—70 percent in 3 years.

Rating 10—30 percent in 5 years.

17. Section 3.189 is amended to read as follows:

§ 3.189 *Rating of change in diagnosis of diagnostic center.* The rating agency of original or appellate jurisdiction is not authorized to accept at any time for rating purposes the findings of a field office differing with the prior findings of a diagnostic center with respect to the etiology or differential diagnosis of a disability without reconciliation of such difference with the diagnostic center under current directives.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707)

18. In § 3.201, the title and paragraphs (a) and (f) are amended to read as follows:

§ 3.201 *Adjudication of claims involving compensation based upon new and material evidence presented after prior disallowance.* (a) New and material evidence, relating to the same factual basis (such as, in the case of a living veteran, the same disease or injury) as that of the disallowed claim, submitted subsequent to the final disallowance of the claim, will constitute a new claim and have all the attributes thereof: *Provided*, That the evidence or the accompanying communication meets the requirements as to what shall constitute an informal claim under § 3.27, and will be handled as provided in paragraphs (b) through (f) of this section.

(f) Where the new and material evidence consists of a supplemental report from the service department and it is received subsequent to the expiration of the appeal period or, in the event of an appeal, subsequent to the decision of the board of veterans appeals, the supplemental report from the service department will be considered under Veterans Regulation 2 (c) (38 U. S. C. ch. 12) and the appropriate rating and award accomplished under the applicable instructions. The retroactive evaluation of disability resulting from disease or injury subsequently service-connected on the basis of new evidence from a service department must be adequately supported by medical evidence, and, where the additional records received from the service department clearly support the assignment of a specific rating over a part or the entire period of time involved,

a retroactive evaluation will be assigned accordingly except as it may be affected by the filing date of the original claim.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 9, 48 Stat. 10, as amended; 38 U. S. C. 709)

19. In § 3.212, paragraphs (b) and (c) are amended and a new paragraph (e) is added as follows:

§ 3.212 *Effective dates of awards of disability compensation.*

(b) Where, upon reconsideration by a rating agency of original jurisdiction in accordance with § 3.201, a favorable decision is rendered, the effective date of an award for monetary benefits will be the date of receipt by the Veterans' Administration of the application for reconsideration.

(c) The effective dates of awards of disability compensation will coincide with the effective dates of evaluations as set forth in § 3.148.

(e) Section 4, Public Law 108, 81st Congress, not only establishes eligibility for benefits for disability or death (see § 3.1 (1)) without regard to the time of incurrence but also permits payments retroactive to August 14, 1945, where entitlement is otherwise in order. It is contemplated that action will be initiated in each case by the filing of a claim. Accordingly, as to accrued rights the date of filing of claim is not controlling as to the effective date of the award, but payments will be effective from the day following death or the day following release from the particular training duty assignment during which the injury or disease was suffered. On and after the date of enactment of the cited act (June 20, 1949), if the claim is filed within 1 year from the date of release from the training duty assignment during which the injury was suffered or within 1 year from the date of death, the benefit will be payable from the day following the happening of the specified contingency. Where claims are not filed within the 1-year period, benefits will be effective from the date of filing of claim.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 17, 57 Stat. 590, sec. 4, Public Law 108, 81st Congress; 38 U. S. C. 732)

20. In § 3.214, paragraph (a) is amended to read as follows:

§ 3.214 *Effective dates of awards of increased disability compensation.* The effective date of an award of increased disability compensation will be in accordance with the provisions of paragraph II, Part I, Veterans Regulation 2 (a) (38 U. S. C. ch. 12 note):

(a) *By reason of dependents.* Increased disability compensation payable by reason of dependents under Public No. 2, 73d Congress, as amended, title III, Public No. 141, 73d Congress, or under Public Law 877, 80th Congress, as amended by section 4, Public Law 339, 81st Congress, will be effective as of the date of the receipt of the evidence which establishes entitlement. Where additional evidence is necessary to substantiate the original evidence, the

effective date of increased disability compensation is the date of receipt of the original evidence if the substantiating evidence is received within 1 year from the date of request therefor. Additional evidence required for the purpose of inquiring into the veracity of a witness or the authenticity of the documentary evidence falls within the above-cited rules. However, any evidence to enlarge the proofs and evidence originally submitted is not so included.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply E. O. 6156, as amended; 38 U. S. C. ch. 12 note)

21. In § 3.228 (c), subparagraphs (5) and (6) are amended as follows:

§ 3.228 *Computation of annual income for the purposes of Veterans Regulation 1 (a), Part III (38 U. S. C. ch. 12), or section 1 (c) of Public No. 198, 76th Congress (act of July 19, 1939), as amended by section 11, Public Law 144, 78th Congress.*

(c) *Income included in computation.* In determining annual income, payments and benefits received from the following sources will be considered:

(5) Compensation paid by the Bureau of Employees' Compensation, Federal Security Agency, or a State compensation or industrial board or commission. There may be excluded from consideration any attorney's fees incurred in obtaining the award in those instances where the fees are to be paid out of the awards.

(6) Civil service retirement benefits, Federal Old Age and Survivors' Insurance, or railroad retirement benefits: *Provided*, That where the benefit is received by a former worker based on his own employment, no part of such payments will be considered "annual income" until the full amount of his personal contribution (as distinguished from amounts contributed by the employer and not by the worker) has been received by him: *And provided further*, That such benefits received by a widow on the basis of her husband's employment will be considered as annual income as received. This subparagraph contemplates that the entire amount of the worker's annuity following retirement will be applied each year to amortize the cost of such annuity, after which the entire annuity will be considered as income.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 1 (c), 48 Stat. 1281, as amended, E. O. 6156, as amended; 38 U. S. C. 503c, ch. 12 note)

22. In § 3.237 (b), subparagraph (4) is amended to read as follows:

§ 3.237 *Additional allowance for nurse and attendant and adjustment of awards during institutionalization.*

(b) *Reductions during hospitalization.*

(4) The reduction in the case of a veteran entitled only under subpara-

graph (1) on account of helplessness will be in the amount of \$90 (or \$72).

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply E. O. 6156, as amended; 38 U. S. C. ch. 12 note)

23. Section 3.286 is amended to read as follows:

§ 3.286 *Determination of marital status, custody of child or children, or continuance of dependency.* When in any case wherein compensation, pension, or retirement benefits are being paid, it is deemed necessary to determine the current facts in regard to the marital status of the veteran, custody of child or children, or dependency of parent or parents, the necessary evidence will be requested and, when received, appropriate adjustment will be made in accordance with the facts disclosed pursuant to the provisions of law and the regulations and instructions based thereon. If the necessary information is not received within a reasonable time from the date of request therefor, appropriate action will be taken to effect an adjustment on the basis of a single man without dependents, or through a discontinuance of benefits to the payee or payees, wife, child or children, or dependent parent or parents, as may be required by the facts. If the necessary evidence or information is thereafter received within 1 year from the date of request therefor, a readjustment may be made or the payment of benefits resumed, if otherwise in order, from the effective date of the adjustment or discontinuance previously necessitated by the nonreceipt of the desired data. If the necessary evidence or information is not received within 1 year from the date of request therefor, the adjustment or resumption of payments will not be authorized prior to the date of receipt of the evidence or information. However, the 1 year limitation is not applicable and retroactive compensation may be paid in a case where the claimant's failure to establish affirmatively the continued existence of marital status or dependents was due to the action of the enemy, in World War II, by virtue of which he was unable to communicate with the Veterans' Administration. For the applicable rule in cases of institutionalization, see (§ 3.255 (c)).

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707)

24. In § 3.296, paragraphs (b) and (c) are amended to read as follows:

§ 3.296 *Concurrent payment of benefits to same person.*

(b) For the purposes of Veterans Regulation 1 (a), Part II, paragraph I (38 U. S. C. ch. 12 note), as amended by Public No. 159, 75th Congress (act of June 23, 1937), compensation shall not be paid concurrently with active duty pay or United States employees compensation. Reserve officers or members of the Enlisted Reserves of the United States Army, Navy, Marine Corps, or Coast Guard entitled to disability com-

pensation and United States employees compensation shall elect which benefit to receive. Reserve officers who are entitled to retirement pay under section 5, Public No. 18, 76th Congress, for disability incurred on or subsequent to July 15, 1939, do not have such an election. Pension under the Veterans' Administration may be paid concurrently, if otherwise in order, with compensation under the United States Employees Compensation Act of September 7, 1916, as amended. In those cases where retroactive benefits are payable under section 4, Public Law 108, 81st Congress, there shall be subtracted from any benefit which such reserve personnel, or the dependents of such deceased reservists, may be eligible to receive under such act such benefits as may already have been paid to the particular payee by either the Veterans' Administration or the Federal Security Agency (Bureau of Employees Compensation).

(c) Re concurrent payments of disability compensation, pension, or retired pay and pay from the service departments, see § 3.299.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply E. O. 6098, as amended; 38 U. S. C. ch. 12 note)

25. Section 3.299 is amended to read as follows:

§ 3.299 *Action where veteran returns to active duty status.* Compensation or pension may not be paid concurrently with the receipt of active service pay and where any person in receipt of compensation or pension returns to active duty status with any of the Armed Forces of the United States, or active service in the United States Coast Guard, benefits will be suspended, effective the day preceding reentrance, if known, or the date of last payment. In the latter instance the correct date on which the veteran reentered active duty status will be ascertained and a corrected Stop (or Suspended) Payment Notice, VA Form 521, or amended award then executed as of the correct date. Time spent by members of the ROTC in drills as a part of their activities as members of the corps is not active duty. On and after October 29, 1949, veterans who are reserve members of the Armed Forces may waive or relinquish their pension, compensation, or retirement pay for periods of field training, instruction, other duty or drill. A waiver is not acceptable if it covers any period prior to October 29, 1949. However, a valid waiver may include prospective periods and contain a right of recoupment for the days which the reservist did not receive payment for Reserve duty training by reason of failure to report for duty. Official information showing the date upon which the veteran actually reentered and terminated active duty will be secured. When it becomes necessary, to discontinue payments of disability compensation, pension, or retirement pay because the veteran has reentered active military

or naval service, the representatives, including duly accredited service organization or attorney of record, will be informed by being furnished copy of the letter to the veteran notifying him of the discontinuance of payments. Payments may be resumed the day following release from active duty, provided the person is otherwise entitled. The determination of service-connection upon which the award of benefits was originally made will not be disturbed. The resumption of payment of compensation as to amount will be at a rate commensurate with the degree of disability found to exist at the time of restoration of the award. The appropriate form of the 3101 series will be secured and the claim will be adjudicated upon a basis including the pertinent facts in the most recent period of active service. If a disability is incurred or aggravated in the second period of service, the benefits payable on account thereof cannot be paid unless a claim therefor is filed. (See § 3.27.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply E. O. 6093, as amended; sec. 610, Pub. Law 434, 81st Cong.; 38 U. S. C. ch. 12 note)

26. In § 3.310, the introductory paragraph is amended to read as follows:

§ 3.310 *Apportionments authorized.* Disability pension, disability compensation (including additional compensation for dependents provided by Public Law 877, 80th Congress, as amended by section 4, Public Law 339, 81st Congress), emergency officers retirement pay, and on and after October 17, 1940, service pension and pension for service prior to April 21, 1898, amounting to more than \$30 monthly, will be apportioned according to the table provided in § 3.311, except where otherwise authorized or provided in this section.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply sec. 3, 54 Stat. 1195, sec. 1, 60 Stat. 908; 38 U. S. C. 49a, 739)

27. Section 3.1505 of the Provisional Regulations is hereby canceled:

§ 3.1505 *Instructions relating to benefits for members of the reserve components of the armed forces who suffer disability or death from injuries incurred while engaged in active-duty training for periods of less than thirty days or while engaged in inactive-duty training.* [Canceled.]

28. Section 3.1508 of the Provisional Regulations is hereby canceled.

§ 3.1508 *Instructions relating to line of duty.* [Canceled.]

[SEAL]

O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-7547; Filed, Aug. 30, 1950; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of Industry and Commerce
[5th Gen. Rev. of Export Regs., Amdt. 15]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

GOLD

Section 370.6 *Gold and narcotics* is amended in the following particulars:
The note following paragraph (a) *Gold*, is amended to read as follows:

NOTE: The exportation of "fabricated gold," as defined in the Gold Regulations issued by the Treasury Department (§ 54.4) under the Gold Reserve Act of 1934, is controlled by the Department of Commerce under an arrangement with the Treasury Department. All "fabricated gold" commodities which are not included on the Positive List may be exported to any destination under Department of Commerce general license GRO. (See § 371.8). For the export of any gold other than "fabricated gold," an application for a license to export must be filed with the Treasury Department.

Exporters are cautioned that "semi-processed gold" (as defined by the Gold Regulations) presented for export as "fabricated gold" is subject to seizure.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
720130	Construction, excavating, and conveying machinery: Trenchers, ditchers, and loaders ¹	No.	CONS	None	R
723100	Construction equipment, and parts, n. e. s.: Batchers outfits; concrete block machines, highspeed; contractors' off-the-road trucks, contractors' off-the-road wagons and trailers; and pile drivers and pile hammers. ¹		CONS	100	R
723100	Parts for contractors' wheel-type tractors ¹		CONS	100	R

¹ This amendment does not add to or delete from the Positive List any commodity. By this revision all trenchers, ditchers, and loaders under the heading "Construction, excavating, and conveying machinery" are now classified under Schedule B No. 720130, including vertical lift bucket loaders, self-propelled, rubber-tired, formerly on the Positive List under Schedule B No. 723100.

3. The dollar-value limits in the column headed "GLV dollar value limits" set forth opposite each of the commodities listed below are amended to read as follows:

Dept. of Comm. Sched. B No.	Commodity	GLV dollar value limits
501200	Petroleum and products: Natural gasoline (bbl. of 42 gal.).....	\$25
501900	Naphtha, mineral spirits, solvents, and other finished light products (bbl. of 42 gal.).....	\$25
503900	Petroleum products, n. e. s., except finished petroleum sprays and finished blended gasolines (report finished petroleum sprays in 520500 and 520600; finished blended gasolines in 501510-501700).....	\$25

¹ This GLV dollar-value limit is applicable to all Country Group R destinations, except those in Subgroup A, and all Country Group O destinations, except Mexico. The GLV dollar value limit for shipments to Mexico is \$1,000.

² Applies only to commodities, previously subject to R control, which are placed under RO control by Part 4 below. Other commodities classified under this Schedule B number already have a GLV dollar-value limit of \$25.

³ This amendment was published in Current Export Bulletin No. 582, dated August 17, 1950.

Issued this 25th day of August 1950.

[SEAL]

RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 50-7622; Filed, Aug. 30, 1950; 8:49 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 12']

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodity is deleted from the Positive List:

Dept. of Comm. Sched. B No.	Commodity
548008	Other non-metallic minerals (precious included): Carbon or graphite products (natural and artificial): Artificial graphite.

2. The entries on the Positive List for Schedule B Nos. 720130 and 723100 are amended by revising the commodity descriptions to reflect the reclassification of certain of these commodities by the Bureau of the Census (see Census Bulletin PB 168B-I and II dated June 28, 1950). Accordingly, the amended entries read as follows:

[15th Gen. Rev. of Export Regs., Amdt. P. L. 13]
PART 393—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS
MISCELLANEOUS AMENDMENTS

4. The following commodities are changed from R to RO commodities. Accordingly, the entries therefor on the Positive List are amended to read as follows:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
501200	Petroleum and products: Natural gasoline (bbl. of 42 gal.)	Bbl.	PETR	25	RO
501250	Unfinished oils for further refining	Bbl.	PETR	1,000	RO
501250	Other unfinished oils for further refining (bbl. of 42 gal.)	Bbl.	PETR	1,000	RO
502000	Lubricating oils: Industrial: Red and pale oils (including all red or pale lubricating oils, except those oils intended for use in internal combustion engines) (bbl. of 42 gal.)	Bbl.	PETR 23	25	RO
502050	Other industrial lubricating oils (bbl. of 42 gal.)	Bbl.	PETR 23	25	RO
502050	Other automotive lubricating oils (bbl. of 42 gal.)	Bbl.	PETR 24	25	RO
504100	Other lubricating greases, except graphite lubricants (report graphite lubricants in 504500)	Lb.	PETR	100	RO
504100	Microcrystalline lubricants (report microcrystalline lubricants in 504500)	Lb.	PETR	100	RO
504170	Petroleum asphaltum (report petroleum asphaltum in 504500)	Lb.	PETR	100	RO
504300	Petroleum products, n. e. s., except finished petroleum greases and finished blended gasolines (report finished petroleum greases in 504500 and finished blended gasolines in 504510-504700)	Lb.	PETR	25	RO

¹ Automotive lubricating oils having a viscosity index of 75 or above and pour of 9° F. and below, classified under Schedule B No. 504100, are already subject to RO control. The effect of this action is to place under RO control all commodities classified under this Schedule B Number. The revised commodity description now reads: "Schedule B No. 504000, Automotive lubricating oil, GLV value 25, validated license required, RO."

² Lubricating greases, containing synthetic oil or lithium soap, or for very high or very low performance (temperature and/or pressure), classified under Schedule B No. 504100, are already subject to RO control. The effect of this action is to place under RO control all commodities classified under this Schedule B Number. The revised commodity description now reads: "Schedule B No. 504100, Lubricating greases, except graphite lubricants (report graphite lubricants under 504500), GLV value 25, validated license required, RO."

³ Additives of petroleum origin for lubricating oils and greases; hydraulic oils of petroleum origin, containing synthetic; and reference fuels, classified under Schedule B No. 504000, are already subject to RO control. The effect of this action is to place under RO control all commodities classified under this Schedule B Number. The revised commodity description now reads: "Schedule B No. 503900, Petroleum products, n. e. s., except finished petroleum greases and finished blended gasolines (report finished petroleum greases in 504500 and finished blended gasolines in 504510-504700), GLV value 25, validated license required, RO."

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations or whose GLV dollar-value limits were reduced as a result of changes set forth in Parts 3 and 4 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this amendment, may be exported under the previous general license provisions.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

This amendment shall become effective as of August 17, 1950.

Issued this 25th day of August 1950.

[SEAL]

RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 50-7623; Filed, Aug. 30, 1950; 8:49 a. m.]

Section 399.1 Appendix A—Positive List of Commodities is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
795510	Other vehicles and parts: Tankers for commercial and industrial purposes	No.	TRAN	None	RO
795510	Other merchant vessels and watercraft (including hulls (for commercial and industrial purposes, whether or not engine-equipped), is feet in length and over, except whaling factories. (Report engines in 714200, 714300, and 714600). Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.: Sodium compounds: Sodium carbonate, calcined or soda ash Caustic soda ash Sodium hydrosulfide or caustic soda, except in packages of less than 50 pounds (report packages of less than 50 pounds in 839500). Solid Liquid (converted to dry weight for statistical purposes).	No.	TRAN	None	RO
839500	Sodium carbonate, calcined or soda ash	Lb.	SALT	100	R
839500	Caustic soda ash	Lb.	SALT	100	R
839500	Sodium hydrosulfide or caustic soda, except in packages of less than 50 pounds (report packages of less than 50 pounds in 839500). Solid Liquid (converted to dry weight for statistical purposes).	Lb.	SALT	100	R
837110		Lb.	SALT	100	R
837320		Lb.	SALT	100	R

2. The entries on the Positive List for Schedule B Nos. 795550 and 799998 are amended to read as follows:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
795550	Watercraft for pleasure purposes, engine-equipped, 15 feet in length and over.	No.	TRAN	None	R
799998	Watercraft for pleasure purposes, except engine-equipped, 15 feet in length and over, parts for watercraft for pleasure purposes, whether or not engine-equipped, 15 feet in length and over, and for engine-equipped vessels (including tankers and tug boats and other watercraft) for commercial and industrial purposes, 15 feet in length and over, except whaling factories. (Report propellers and blades, brass and bronze, in 709600; engines in 714200, 714300, 714500 and 714600.)	No.	TRAN 9	100	R

¹ The effect of this amendment is to remove from the Positive List watercraft for pleasure purposes, engine-equipped less than 15 feet in length.

² The effect of this amendment is (1) to add to the Positive List the following commodities: watercraft for pleasure purposes, except engine-equipped, 15 feet in length and over, and parts therefor; and parts for merchant vessels (including tankers and tug boats and other watercraft) for commercial and industrial purposes, whether or not engine-equipped, 15 feet in length and over, except whaling factories; and (2) to delete from the Positive List parts for watercraft for pleasure purposes, engine-equipped, less than 15 feet in length.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Parts 1 and 2 of this amendment which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this amendment may be exported under the previous general license provisions.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective September 1, 1950.

Issued this 25th day of August 1950.

[SEAL]

RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 50-7624; Filed, Aug. 30, 1950; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 659]

ALASKA

RESERVING CERTAIN PUBLIC LANDS AS AIR-NAVIGATION SITE WITHDRAWAL NO. 259 AND CERTAIN OTHER PUBLIC LANDS AS THE LAKE HOOD SEAPLANE BASE; PARTIALLY REVOKING PROCLAMATION NO. 1519 OF APRIL 16, 1919, AND PUBLIC LAND ORDERS NO. 47 OF OCTOBER 12, 1942, AS AMENDED, AND NO. 265 OF MARCH 8, 1945; AND REVOKING EXECUTIVE ORDER NO. 8621 OF DECEMBER 27, 1940

By virtue of the authority vested in the President and contained in the act of March 12, 1914 (38 Stat. 305, 307; 48 U. S. C. 303), and pursuant to Executive Order No. 9337 of April 24, 1943, section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and section 2 of the act of May 28, 1948 (62 Stat. 278; 48 U. S. C. 1948 ed., supp. III, 485a), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 259:

SEWARD MERIDIAN

T. 12 N., R. 4 W.,
Sec. 3, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
T. 13 N., R. 4 W.,
Sec. 27, lots 1, 4, 5, 6, 9, 10, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 34, lot 1, E $\frac{1}{2}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$, except a tract of 16.80 acres hereinafter reserved for other aviation purposes; lots 2, 3, 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$,
Sec. 35, S $\frac{1}{2}$, also
A tract in secs. 33 and 34 described as follows:

Beginning at a point on the boundary line between secs. 33 and 34, T. 13 N., R. 4 W., Seward Meridian, from which corner for secs. 27, 28, 33, and 34 bears N. 0° 05' W., 400 feet; thence by metes and bounds,
West, 1,550 feet;
S. 0° 05' E., 4,880 feet to south boundary of sec. 33;
East, 1,550 feet along south boundary of sec. 33 to corner for secs. 33 and 34;
N. 0° 05' W., 3,036 feet along east boundary of sec. 33 to intersection with east boundary Pt. Campbell Military Reserve as shown on official plat of T. 13 N., R. 4 W., S. M., approved October 10, 1917;
N. 25° 00' E., 2,003 feet along east boundary Pt. Campbell Military Reserve;
West, 853 feet to point of beginning.

The areas described aggregate 1,377.02 acres.

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public

land laws, including the mining and mineral-leasing laws, and reserved for the joint use of the Civil Aeronautics Administration, Department of Commerce, and the Fish and Wildlife Service, Department of the Interior as a seaplane base to be known as the Lake Hood Seaplane Base:

SEWARD MERIDIAN

T. 13 N., R. 4 W., sec. 34, a tract in the NE $\frac{1}{4}$ described as follows:
Beginning at the southeast corner of lot 1, sec. 34, T. 13 N., R. 4 W., Seward Meridian, thence by metes and bounds,
South: 132 feet;
West: 792 feet;
North: 924 feet;
East: 792 feet;
South: 792 feet to point of beginning.

The tract as described contains 16.80 acres.

It is intended that the above-described lands shall be returned to the administration of the Department of the Interior when they are no longer needed for the purposes for which they are reserved.

Proclamation No. 1519 of April 16, 1919 (41 Stat. 1745), reserving certain public lands in Alaska for townsite purposes, and other purposes in connection with the construction and operation of railroad lines, and Public Land Order No. 47 of October 12, 1942, as amended by Public Land Order No. 284 of June 12, 1945, and Public Land Order No. 265 of March 8, 1945, reserving certain public lands in Alaska for military purposes, are hereby revoked so far as they affect the above-described lands.

Executive Order No. 8621 of December 27, 1940, reserving certain public lands in Alaska for aviation purposes, is hereby revoked, but such revocation shall not be construed as reviving the partial revocation of Proclamation No. 1519 of April 16, 1919, made by that order.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 24, 1950.

[P. R. Doc. 50-7590; Filed, Aug. 30, 1950;
8:46 a. m.]

[Public Land Order 660]

ALASKA

WITHDRAWING PUBLIC LAND FOR USE OF THE DEPARTMENT OF THE ARMY FOR NATIONAL GUARD 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:

Subject to valid existing rights, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Army for National Guard purposes:

Beginning at a point from which Corner No. 7 of U. S. Survey 2083, at Kotzebue, bears S. 60° W., 635.9 feet, thence by metes and bounds:

N. 44° 05' E., 100 feet.
S. 45° 55' E., 100 feet.
S. 44° 05' W., 100 feet.
N. 45° 55' W., 100 feet to point of beginning.

The tract described contains 10,000 square feet.

This order shall take precedence over but not otherwise affect the Executive Order of May 4, 1907 withdrawing lands for various school reserves, so far as such order affects the above-described land.

It is intended that the land above described shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 24, 1950.

[P. R. Doc. 50-7592; Filed, Aug. 30, 1950;
8:46 a. m.]

[Public Land Order 651]

ARIZONA

AMENDING PUBLIC LAND ORDERS NOS. 59 AND 176

By virtue of the authority contained in the act of June 4, 1897 (30 Stat. 11, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Orders No. 59 of November 12, 1942 and No. 176 of September 29, 1943 reserving public lands in the Cocino and Kaibab National Forests, Arizona, for the use of the War Department for military purposes, are hereby amended by deleting therefrom the following paragraph contained in Public Land Order No. 176 and added to Public Land Order No. 59 by Executive Order No. 9526 of February 28, 1945.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

Both of such orders are also amended by substituting the words "Department of the Army" for the words "War Department" occurring in the orders and in the titles thereof; and Public Land Order No. 59 is further amended so that the withdrawal made thereby shall expressly include withdrawal from appropriation under the mineral-leasing laws.

The orders amended hereby affect public lands in Tps. 21 and 22 N., R. 5 E., and T. 21 N., R. 6 E., G. & S. R. M., Arizona.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 24, 1950.

[P. R. Doc. 50-7594; Filed, Aug. 30, 1950;
8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR, Part 8]

BOMBAY HOOK NATIONAL WILDLIFE REFUGE,
DELAWARE; PROTECTION OF MIGRATORY
BIRDSNOTICE OF INTENTION DESIGNATING CERTAIN
WATERS IN VICINITY AS CLOSED AREAS

AUGUST 25, 1950.

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238, 5 U. S. C. 1003), and the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704) as amended, notice is hereby given that the Secretary of the Interior intends to take the following action:

Adopt a regulation establishing certain closed areas in which the pursuing, hunting, taking, capture, or killing of migratory birds or attempting to take, capture, or kill migratory birds will not be permitted, embracing all areas of water (excepting Delaware Bay), and land under water, immediately contiguous to and abutting upon lands of the United States comprising the Bombay Hook National Wildlife Refuge in Kent County, Delaware (the boundaries of which are posted), and including but not limited to the areas hereinafter described and identified as follows:

Duck Creek and tributaries thereto, from its mouth at the Lelaps River and the north end of Marshall Island, upstream approximately nine miles to Sluice Ditch, including Bank Ditch, Broad Gut, Cove Pond Ditch, Dutch Neck Canal and Boat Gut connected therewith, Dawsons Branch easterly from a point about three-eighths mile west of the Whitehall-Dutch Neck Road, Elkhorn Branch east of said Whitehall-Dutch Neck Road, Finis Branch and Shearneck Pool, Hawkey Branch east of the aforesaid road, Lees Ditch, Mikes Ditch, Myrtle Gut, Poplar Point Ditch, Salt Pond Ditch, Shearneck Gut, Slootch Ditch, Terrapin Gut, Wier Gut, together with all other ditches, guts, and watercourses, tributary thereto or connected therewith within said nine-mile reach;

Lelaps River and tributaries thereto, from its mouth at Delaware Bay upstream approximately five miles to Boat Gut at the westerly end of Needhams Island, and all cut-through channels of the river, including the cut-through channel of said river approximately one-half mile below Whitehall Landing, Devers Gut (formerly Boat Gut) at the southeasterly side of Ragged Island, Georges Island Gut, Little Fork, Raymond Pool and Raymond Gut, together with all other ditches, guts and watercourses tributary or connected with said river within the five-mile reach;

Simons River (formerly known as Dona River) and tributaries thereto, from its mouth at Delaware Bay upstream approximately two miles to the mouth of Herring Branch, including Cedar Gut, Green Creek (formerly known as part of Dona River), together with all other ditches, guts and watercourses tributary thereto or connected therewith within said two-mile reach;

All tributaries to Simons River above the aforesaid two-mile reaches of said river, heading in Kent Island, namely, Bay Gut and Drum Gut, East-West Canal and Joes Hole,

Flat Gut, and North-South Canal, together with all other ditches, guts and watercourses heading in Kent Island and tributary to or connected with Simons River above the two-mile reaches aforesaid;

Together with all other ditches, channels, guts, ponds, streams and watercourses, named or unnamed, heading within the boundaries of the Bombay Hook National Wildlife Refuge, north of Dutch Neck Road, east of Dutch Neck and Whitehall Neck and Finis Road connecting same, and all such waters within Bear Swamp, that part of Bombay Hook Island south of Sluice Ditch (including Bay Pond, Hay Ditch and Log Pond), Georges Island, Kelly Island, Kent Island and Little Bombay Hook Island (including Old Creek), Leatherberry Flats, Marshall Island, Money Marsh, and Ragged Island.

The aforesaid waters and watercourses, named and unnamed, are delineated on three topographic quadrangle maps, designated Bombay Hook, Little Creek, and Smyrna, Edition of 1949, for sale by the Geological Survey, Department of the Interior, Washington 25, D. C. Copies of these maps may be inspected by application at the headquarters of the Bombay Hook National Wildlife Refuge which may be reached by way of the Whitehall Neck Road.

All persons are hereby given an opportunity to participate in formulating the proposed regulation by submitting their views, data, or arguments in writing to Albert M. Day, Director, Fish and Wildlife Service, Washington 25, D. C. on or before September 15, 1950.

DALE E. DOTY,

Assistant Secretary of the Interior.

[F. R. Doc. 50-7589; Filed, Aug. 30, 1950;
8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 93]

EXPORT AND IMPORT OF LIVESTOCK TO AND
FROM MEXICO

HORSES FROM DOURINE-INFECTED AREAS

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture, pursuant to the authority vested in him by section 2 of the act of Congress approved February 2, 1903, as amended (21 U. S. C. 111), proposes to amend § 93.11 (b) of the special regulations governing export and import of livestock to and from Mexico (9 CFR 93.11) to read as follows:

§ 93.11 Horses. . . .

(b) *Horses from dourine-infected areas.* All horses offered for importation from Mexico, other than those moving in bond for immediate reentry into Mexico, those imported for slaughter, and geldings unless judged by the inspector to be capable of serving mares, shall be detained at the border port of entry where a blood sample shall be obtained from each animal under the supervision of the inspector, said samples to be forwarded to the Bureau laboratory where they will be tested by the complement-fixation method for dour-

ine. Any animal that is found by said test to be affected with dourine shall be refused entry.

Any person who wishes to submit written data, views or arguments concerning the foregoing proposed amendment may do so by filing them with the Chief of the Bureau of Animal Industry, United States Department of Agriculture, Washington 25, D. C. within 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C. this 25th day of August, 1950.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.[F. R. Doc. 50-7601; Filed, Aug. 30, 1950;
8:46 a. m.]

[9 CFR, Part 94]

RINDERPEST AND FOOT-AND-MOUTH DIS-
EASE; PROHIBITED AND RESTRICTED IM-
PORTATIONDETERMINATION OF NON-EXISTENCE IN
NORWAY

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)), that the Secretary of Agriculture pursuant to the authority conferred upon him by section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) proposes to determine, and to give notice of such determination, that neither rinderpest nor foot-and-mouth disease now exists in Norway, and to amend § 94.1, Part 94, Subchapter D, Chapter I, Title 9 of the Code of Federal Regulations (§ 94.1 of B. A. I. Order No. 373) by striking therefrom the word "Norway".

The proposed determination, notification, and amendment, if made, would remove the present prohibition under section 306 of the Tariff Act upon importation into the United States of cattle, sheep, other domestic ruminants, and swine, and of fresh, chilled or frozen beef, veal, mutton, lamb, or pork from Norway and render the commodities specified in Part 94, Subchapter D, Chapter I, Title 9 of the Code of Federal Regulations (B. A. I. Order No. 373), and originating in said country, no longer subject to the provisions of that part.

Any person who wishes to submit written data, views, or arguments concerning the proposed determination and amendment may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C. within 15 days after publication of this notice in the FEDERAL REGISTER.

Witness my hand and the seal of the United States Department of Agriculture. Done at Washington, D. C. this 25th day of August 1950.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.[F. R. Doc. 50-7602; Filed, Aug. 30, 1950;
8:47 a. m.]

DEPARTMENT OF LABOR

Child Labor Branch

[29 CFR, Part 422]

EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE IN OCCUPATIONS IN CONNECTION WITH MINING, OTHER THAN COAL¹

NOTICE OF HEARING

In accordance with the procedure governing determinations of hazardous occupations (29 CFR Part 421), an investigation has been conducted for the purpose of ascertaining what occupations in connection with mining, other than coal, are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being and thus constitute oppressive child labor as defined in section 3 (1) of the Fair Labor Standards Act, as amended (52 Stat. 1060, as amended; 29 U. S. C. and Supp. 201 et seq.).

A report of the investigation, entitled "Occupational Hazards to Young Workers, Report No. 9, Mining Other Than Coal," copies of which will be sent upon request directed to the Bureau of Labor Standards, United States Department of Labor, Washington 25, D. C., has been submitted to the Secretary of Labor in which it is concluded that all occupations in connection with mining, other than coal (with certain exceptions), are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being.

On the basis of such conclusions the Secretary of Labor, pursuant to the authority conferred by section 3 (1) of the Fair Labor Standards Act, as amended (52 Stat. 1060, as amended; 29 U. S. C. and Supp., 201 et seq.) and Reorganization Plan No. 2, effective July 16, 1946, adopted pursuant to the Reorganization Act of 1945 (59 Stat. 613), proposes to issue a finding and order in the form set forth below.

Accordingly, notice is hereby given of a public hearing to be held on October 11, 1950, commencing at 10:00 a. m. in Room 1214, United States Department of Labor Building, 14th Street and Constitution Avenue, Northwest, Washington, D. C., before a presiding officer to be hereinafter designated, at which hearing interested parties may appear and be heard with respect to said proposed finding and order. All interested persons desiring to appear at the hearing are requested to notify the Secretary of Labor at least five days prior to the date fixed for the hearing. Any interested person who is unable to appear in person or by representative may submit a written comment or brief with the Secretary of Labor not later than the day prior to the hearing, in order that the same may be made a part of the record of the hearing.

¹A hazardous-occupations order effective September 1, 1940, declared all occupations in or about a coal mine, with certain exceptions, to be particularly hazardous for the employment of minors between 16 and 18 years of age (29 CFR 422.3).

Proposed finding and order. By virtue of the authority vested in me by section 3 (1) of the Fair Labor Standards Act, as amended (52 Stat. 1060, as amended; 29 U. S. C. and Supp., 201 et seq.) and Reorganization Plan No. 2 of 1946 adopted pursuant to the Reorganization Act of 1945 (59 Stat. 613) and in accordance with the Procedure Governing Determinations of Hazardous Occupations (29 CFR Part 421); an investigation having been conducted with respect to what occupations in connection with mining, other than coal, are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being, and a report of said investigation having been submitted to me;

Now, therefore, I, Maurice J. Tobin, Secretary of Labor, after reviewing all the evidence and information with respect to the occupations involved, including the report of the investigation, do hereby find, declare and order:

§ 422.9 Occupations in connection with mining, other than coal—(a) Finding and declaration of fact. All occupations in connection with mining, other than coal, are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being except the following:

(1) Work in offices, in the warehouse or supply house, in the change house, in the laboratory, and in repair or maintenance shops not located underground.

(2) Work in the operation and maintenance of living quarters.

(3) Work outside the mine in surveying, in the repair and maintenance of roads, and in general clean-up about the mine property such as clearing brush and digging drainage ditches: *Provided*, That such work does not involve felling and bucking of timber, collection and transportation of logs, the operation of power-driven machinery, or the handling or use of explosives.

(4) Work of track crews in the building and maintaining of sections of railroad track located in those areas of open-cut metal mines where mining and haulage activities are not being conducted at the time and place that such building and maintenance work is being done.

(5) Work in or about surface placer mining operations other than placer dredging operations and hydraulic placer mining operations.

(6) The following work in metal mills other than in mercury-recovery mills or mills using the cyanide process:

(i) Work involving the operations of jigs, sludge tables, flotation cells, or drier-filters.

(ii) Work of hand-sorting at picking table or picking belt.

(iii) General clean-up work.

(b) *Definitions.* As used in this section:

(1) The term "all occupations in connection with mining, other than coal" shall mean all work performed underground in mines and quarries; on the surface at underground mines and underground quarries; in or about open-cut mines, open quarries, clay pits, and sand

and gravel operations; at or about placer mining operations; at or about dredging operations for clay, sand or gravel; at or about bore-hole mining operations; in or about all metal mills, washer plants, or grinding mills reducing the bulk of the extracted minerals; and at or about any other crushing, grinding, screening, sizing, washing or cleaning operations performed upon the extracted minerals except where such operations are performed as a part of a manufacturing process. The term shall not include work performed in subsequent manufacturing or processing operations, such as work performed in smelters, electro-metallurgical plants, refineries, reduction plants, cement mills, plants where quarried stone is cut, sanded and further processed, or plants manufacturing clay, glass or ceramic products. Neither shall the term include work performed in connection with coal mining, in petroleum production, in natural-gas production, nor in dredging operations which are not a part of mining operations, such as dredging for construction or navigation purposes.

(c) This section shall not justify non-compliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established herein.

(d) This proposed order, when issued, will be made effective 30 days after due publication in the FEDERAL REGISTER.

(Sec. 3 (1) of the Fair Labor Standards Act, as amended, 52 Stat. 1060, as amended; 29 U. S. C. and Supp., 201 et seq.; Reorganization Plan No. 2 effective July 16, 1946 (60 Stat. 1095) adopted pursuant to Reorganization Act of 1945; 59 Stat. 613; 5 U. S. C. Supp. 133y-133y-16)

Signed at Washington, D. C., this 23d day of August 1950.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 50-7662; Filed, Aug. 30, 1950; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR, Ch. I]

[No. 28310]

CONSOLIDATED FREIGHT CLASSIFICATION

NOTICE OF PROPOSED RULE MAKING

AUGUST 17, 1950.

Further investigation will be conducted by the Commission in the above-entitled proceeding.

Authority for and nature of investigation. The investigation will be governed by the pertinent provisions of the Administrative Procedure Act, approved June 11, 1946, and the Interstate Commerce Act, as amended.

Scope and purpose of investigation. The scope and purpose of the further investigation are:

1. To devise and find a just and reasonable uniform classification of property for transportation, constructed according to the standards heretofore found just, reasonable, and lawful in Part I of the original report in this proceeding, May 15, 1945, 262 I. C. C. 447, at

pages 456 to 512, inclusive; and thereupon by rule and order to determine, require, and prescribe that the respondents herein shall adopt, observe, and follow, accordingly as they participate in the transportation, the uniform classification of property for transportation, and rules, regulations, and practices affecting such classification, and to cease and desist from the publication, use, or observance of any other classification of property as defined in section 1 (6) of the Interstate Commerce Act, as amended (49 U. S. C. sec. 1 (6)), and rules, regulations, and practices in connection therewith. Such uniform classification of property and rules are to be applied in connection with the present and prospective requirements of a just, reasonable, and basic scale of class rates (and arbitraries for short-line and weak railroads, if any) to be found and determined in Docket No. 28300, Class Rate Investigation, 1939, now under further investigation.

Reasons for investigation. As indicated in the preceding paragraph, on May 15, 1945, the report and order in Docket No. 28310, Consolidated Freight Classification (which was heard and determined jointly with the companion proceeding, Docket No. 28300, Class Rate Investigation, 1939) 262 I. C. C. 447, Part I, and as reported by the Commission to Congress in its 59th Annual Report, pages 29 and 30, the Interstate Commerce Commission found the railroad classifications of freight then published, filed, and observed, to be unreasonable and unjust and unduly prejudicial as a whole to the extent that they were not uniform. There were then three major freight classifications, namely, Official, Southern, and Western, and in addition the Illinois Classification with a limited interstate application. By the decision of the Commission, 262 I. C. C. 447, at pages 511-512, the respondents in this proceeding were given reasonable opportunity themselves to initiate a uniform classification of property by their own collective action before the Commission should undertake the task of formulating such a uniform classification. Respondents, the report stated, were expected within 90 days from the service of the report to advise the Commission whether they would undertake to make and tender to the Commission a classification based upon the findings made in the report. The Commission stated and found that if the respondents declined this undertaking or should omit to respond within the time specified, it retained jurisdiction to make such further order in the premises as might be proper.

Within the time limited the respondent railroads gave the Commission assurance that they would make and tender a uniform classification based upon the findings of the report of the Commission. This assurance was given on June 19, 1945, for the class I rail carriers operating in Official territory; on June 21, 1945, by class I railroads of the Western District; and on July 2, 1945, by Southern respondents; and each group of rail carriers mentioned assured the Commission of intention to collaborate with the rail carriers operating in other sections of the

country to make and tender a uniform classification of property.

By the finding of the Commission in this proceeding, paragraph numbered 8 on page 511 of the report, 262 I. C. C., the Commission determined that it was just, fair, and reasonable that a uniform classification should be established which should contain 30 classes of property, with numbers corresponding with the following percentages of first-class, namely: Classes 400, 300, 250, 200, 175, 150, 125, 100, 92.5, 85, 77.5, 70, 65, 60, 55, 50, 45, 40, 37.5, 35, 32.5, 30, 27.5, 25, 22.5, 20, 17.5, 16, 14.5, and 13.

The original report of the Commission in Docket No. 28300, and the present proceeding contained three parts. Part I has been mentioned and described. Part II, after finding unjust and unreasonable the existing class rates in the territory involved, found reasonable for the future in connection with the uniform freight classification a uniform distance scale of class rates in the territory roughly east of the eastern boundary of the mountain-Pacific territory. That scale, referred to as the Appendix 10 scale, the Commission provided should be made applicable simultaneously with the uniform classification. Part III of the report found reasonable an interim adjustment within and between the territories known as Southern, Southwestern, Western trunk-line, and Official territories, including Illinois territory. The interim adjustment mentioned became effective after the decision of the District Court of the United States for the Northern District of New York, affirmed by the Supreme Court of the United States, May 12, 1947, *New York vs. United States*, 331 U. S. 284, to which reference is made for greater particularity as to the interim adjustment. In the meantime, a series of general increases in all freight rates, made in Dockets Nos. Ex Parte 162, 165, and 169, have become effective, and the Commission's reports and orders in those proceedings are hereby noticed officially. The Commission also refers to and notices its First Supplemental Report, 264 I. C. C. 41, in Docket No. 28300 and this proceeding and its Second Supplemental Report in Docket No. 28300 (and another proceeding), 268 I. C. C. 577, which involved matters not considered necessary to be detailed here.

On November 28, 1949, in Docket No. 28300, Class Rate Investigation, 1939, the Commission issued and served its notice of proposed rule making, the scope and purpose of which was a further investigation by the Commission in that proceeding, in order, as stated therein:

1. To revise the basic scale of class rates set forth in Appendix 10 to the original report herein, 262 I. C. C. 447, in order that such scale may conform to the present and prospective requisites of a just, reasonable, and lawful basic scale of class rates to be applied in connection with a uniform freight classification now under preparation in Docket No. 28310; and

2. To determine what, if any, arbitraries should be added to the basic scale of class rates for the benefit of short-line and weak railroads, so-called.

The Commission in the notice referred to tentatively proposed as a substitute for the basic scale of first-class or class 100 rates which had been included in the original report in Class Rate Investigation, 1939, as Appendix 10, 262 I. C. C. at page 766, a new scale designated Appendix A to the notice of proposed rule making. The Commission, with respect to Appendix A, said:

This proposed scale is subject to any change or changes that may be made therein as a result of this investigation. The scales subordinate to this basic first class, or class 100, scale are to be determined by use of the percentages set forth in the original report herein. It should be clearly understood that no party in interest in this proceeding is precluded from proposing and supporting another and different scale from that tentatively proposed herein.

By Appendix C attached to the notice of proposed rule making in Docket No. 28300, the Commission adopted and stated special rules of practice applicable in that proceeding. Provision was made that further evidence be submitted in written form with affidavits attached, with or without exhibits, to be referred to as verified statements. Pursuant to the special rules of practice, evidence-in-chief on behalf of the respondents and other interested parties has been filed with the Commission, and copies have been sent to all parties in Docket No. 28300 who have asked the privilege of receiving the same. The special rules of practice contemplate rebuttal evidence may be filed, and opportunity for objections to receipt of evidence, and for cross-examination of witnesses, will be afforded as directed by the Commission.

The respondents in Docket No. 28310 embrace all the respondents in Docket No. 28300, and numerous other parties have appeared in both proceedings.

Within the time limit prescribed by the notice of proposed rule making of the Commission in No. 28300, the groups of eastern and western railroads filed with the Commission the verified statement of A. H. Greenly, Chairman of the Official Classification Committee, which is made up of railroads within official territory. Attached to that verified statement is a large-sized document consisting of a title page, and Index to Articles (commodities), pages numbered 30 to 132, inclusive, and then in tabular form a compilation which in form and arrangement corresponds to a uniform classification of property, pages numbered 1 to 260, inclusive, containing items numbered 5 to 46,465 (the unit numbers, however, not being in consecutive units.) Each numbered item carries a specific commodity description under a generic heading, a classification rating for less-than-carload quantities, a carload minimum weight, and a classification rating for carloads. It is stated on the title page of the document attached to the verified statement of A. H. Greenly:

This exhibit shows tentative ratings under consideration by Chairmen of the Western and Official Classification Committees as possible ratings for use in connection with class rates within Western Trunk Line

Territory, within Southwestern Territory and within Official Territory and between those territories, depending on the measure of class rate scales adopted for use within such territories and between those territories and upon other considerations and conditions which justify ratings different from those shown.

As shown by the Commission's 59th Annual Report, pages 29-30, after the railroad respondents in this proceeding gave the Commission assurances of their intention to proceed with the formulation of a uniform classification to be tendered to the Commission, they set up a general committee, consisting of a chairman or a duly authorized member of the official, western, and southern classification committees, instructed to proceed with the task, and also created a committee composed of freight traffic officers to serve as an advisory committee to advise and counsel with and review the work and recommendations of the classification group.

The Commission has conferred frequently with the general committee appointed by the respondents as to principles and procedure, and as to the progress of the work. See the 60th Annual Report of the Commission, page 30; the 61st Annual Report, pages 42 and 43; the 62d Annual Report, page 43; and the 63d Annual Report, page 34. As shown in those reports of the Commission to Congress, the railroads' classification committee mentioned issued various proposals (voluminous and detailed) as to proposed sections of the uniform classification, and they gave extensive and informal and also largely attended public hearings to shippers and public bodies desiring to be heard.

While the exhibit attached to the verified statement of A. H. Greenly filed in this proceeding is stated to be "made available as information only to parties of record in Docket No. 28300 at the suggestion of Division 2 of the Interstate Commerce Commission, and only on behalf of Eastern and Western railroads" and not by the southern railroad respondents, and although the exhibit to the verified statement shows that the data shown in the document appended to A. H. Greenly's verified statement "are not intended as suggestions or representations by any railroad or any group of railroads as to classification ratings appropriate for any traffic," because of certain considerations mentioned, the Commission has examined the exhibit in the light of the standards it set up in its original report in this proceeding, 262 I. C. C. 447, at pages 456-512, inclusive. The Greenly exhibit, although designated as a tentative uniform classification, is set up in form and style appropriate as a response to the findings of the Commission in Part I of the original report, with the exception hereinafter noted. Consideration of the document as a tentative uniform classification will facilitate and will greatly convenience consideration and determination of the issues herein. It is noted that no rules accompany the tentative ratings embraced in the exhibit to the verified statement of A. H. Greenly. To supply

this deficiency, the Commission proposes tentatively as rules to govern the application of the classification, rules which are contained in pages 126 to 177, inclusive, of the current Consolidated Freight Classification filed with the Commission by the respondents herein, designated No. 19, effective February 28, 1950, together with subsequent amendments and supplements thereto on file with the Commission.

No party in interest in this proceeding is precluded from proposing or supporting any or another or different rule, practice, or rating, or ratings, commodity description, or carload minimum from those tentatively proposed herein. Such action should be taken by complying with the rules which are hereafter stated in Appendix D.

Written evidence; special rules. Evidence shall be submitted in written form at the times and in the manner provided for in the attached special rules of practice, marked Appendix D.

Notice to parties in interest. Notice to the general public will be given (1) by depositing a copy of this notice and of the verified statement of A. H. Greenly above referred to in the Office of the Secretary of the Commission, for public inspection, and (2) by filing a similar copy of the notice with the Director, Division of the Federal Register, and (3) by serving copies of this notice and Appendix D on the parties of record in this proceeding. The size and volume of the verified statement and exhibit of A. H. Greenly and the fact that a general distribution has been made in the accompanying proceeding, Docket No. 28300, make unnecessary and preclude from necessity additional general distribution to parties of record.

By the Commission.

[SEAL]

W. P. BARTEL,
Secretary.

APPENDIX D—SPECIAL RULES OF PRACTICE
APPLICABLE IN DOCKET NO. 28310

In addition to the general rules of practice, the following special rules will govern the further proceedings heretofore outlined and described.

1. **Submission of evidence in written form with affidavit attached.** The Commission desires that all further evidence be submitted in written form with affidavits attached. Exhibits may be attached to the written statements, and such exhibits should conform to the general rules of practice, particularly to Rules 81 to 84, inclusive. All exhibits of a single witness should, so far as practicable, be incorporated in a single exhibit. The written evidence in the form of affidavits, with or without exhibits attached, will be referred to as verified statements, and each verified statement will be assigned a serial number by the Commission.

2. **Evidence-in-chief on behalf of respondents.** Evidence-in-chief of respondents, or those parties in support of respondents, should be submitted in the form of verified statements as provided in paragraph 1. Twenty-five (25) copies of such verified statements, with accompanying exhibit or exhibits attached, should be filed with the Secretary of the Commission on or before October 15, 1950.

³ Filed as part of the original document.

3. **Evidence-in-chief on behalf of other parties.** Parties other than respondents will be expected to furnish the Commission with three hundred and twenty-five (325) copies to be sent to the Secretary (for its use and for distribution to interested parties); and to furnish the railroad respondents with seventy-five (75) copies, of which twenty-five (25) copies shall be mailed to each of the three following law committee chairmen: (1) Edwin A. Lucas, Chairman, Eastern Law Committee, Pennsylvania Railroad Company, 1740 Broad Street Station Building, Philadelphia 4, Pa.; (2) H. C. Barron, Counsel, Executive Committee, Western Traffic Association, 310 Union Station, Chicago 6, Ill.; and (3) Frank W. Gwathmey, Chairman, Southern Law Committee, 1110 Shoreham Building, Washington 5, D. C. Such general counsel as those representing the Secretary of Agriculture, the National Association of Railroad and Utilities Commissioners, the Southeastern Association of Railroad and Utilities Commissioners, the National Industrial Traffic League, the Southern Traffic League, the Southern Governors' Freight Rate Conference, the Southwestern Steering Committee, and the New England Governors, may make special requests to the Secretary of the Commission for copies of all verified statements of parties other than respondents. These verified statements should be filed with the Commission on or before October 15, 1950, if desired to be considered as evidence-in-chief. If parties desire to submit only rebuttal or concurring evidence, they may file their verified statements as provided in paragraph 4 hereof.

4. **Rebuttal evidence, concurrences.** Evidence in the nature of rebuttal by any parties must be designated as such, and be filed with the Secretary of the Commission on or before December 1, 1950. Evidence adopting or concurring in the verified statement of any party may be filed and designated as a concurrence on or before December 1, 1950. The presentation and distribution of such evidence will be governed by the rules set forth in paragraphs 1, 2, and 3 hereof.

5. **Evidence open to public inspection.** The evidence filed by all parties will be open to public inspection promptly after the date of filing, at the office of the Commission in Washington, D. C.

6. **Objections to evidence.** Notice of objections to receipt in evidence of any verified statement should be filed with the Secretary of the Commission within 25 days after its filing with the Commission. If the evidence is submitted on behalf of respondents, a copy of the notice of objection should be mailed to each of the Law Committee chairmen above designated; if the evidence is submitted on behalf of any other parties, a copy of the notice of objection should be immediately mailed to the witness or his attorney.

7. **Cross-examination of witnesses.** If cross-examination of a witness is desired by any party, written request therefor must be given to the Secretary of the Commission and to the witness, or his authorized attorney, within 25 days after the filing of the witness' written statement, otherwise cross-examination will be deemed to be waived. The Commission will fix the time and place therefor.

8. **Record.** The evidence presented and admitted pursuant to the provisions of paragraphs 1, 2, 3, and 4 of these special rules, shall be embraced in the entire record in these proceedings upon which decision will be made, subject to such cross-examination of any witness concerning any verified statements as may be requested by any interested party and as ordered by the Commission, unless waived as provided in paragraph 7 hereof.

[F. R. Doc. 50-7615; Filed, Aug. 30, 1950; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

MODIFYING GRAZING DISTRICT NO. 2

Under and pursuant to the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C., sec. 315, et seq.), and subject to the limitations and conditions therein contained, New Mexico Grazing District No. 2 is modified by eliminating therefrom the following-described lands:

NEW MEXICO

NEW MEXICO PRINCIPAL MERIDIAN

- T. 1 S., R. 9 W.,
Sec. 20, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 2 S., R. 7 W.,
Sec. 28, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
Sec. 29, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 30, SW $\frac{1}{4}$ NE $\frac{1}{4}$.
Sec. 33, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 3 S., R. 7 W.,
Sec. 3, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 3 S., R. 8 W.,
Sec. 31, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 3 S., R. 9 W.,
Sec. 33, S $\frac{1}{2}$ S $\frac{1}{2}$.
Sec. 34, S $\frac{1}{2}$ S $\frac{1}{2}$.
T. 4 S., R. 9 W.,
Sec. 1, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$.
Sec. 12, E $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$.
Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ W $\frac{1}{2}$ SE $\frac{1}{4}$.
Sec. 24, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
Sec. 25, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
Sec. 26, SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, SW $\frac{1}{4}$.
T. 4 S., R. 10 W.,
Sec. 33, W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 5 S., R. 9 W.,
Sec. 3, S $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 5 S., R. 11 W.,
Sec. 27, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 34, N $\frac{1}{2}$ N $\frac{1}{2}$.

The areas described aggregate 4,000.13 acres.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 24, 1950.

[F. R. Doc. 50-7588; Filed, Aug. 30, 1950;
8:45 a. m.]

ALASKA

NOTICE FOR FILING OBJECTIONS TO
PLO 659¹

Notice for filing objections to the following entitled order published simultaneously herewith: Reserving certain public lands as Air-Navigation Site Withdrawal No. 259 and certain other public lands as the Lake Hood Seaplane Base; partially revoking Proclamation No. 1519 of April 16, 1919, and Public Land Orders No. 47 of October 12, 1942, as amended, and No. 265 of March 8,

¹ See F. R. Doc. 50-7590, Title 43, Chapter I, *supra*.

1945; and revoking Executive Order No. 8621 of December 27, 1940.

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 24, 1950.

[F. R. Doc. 50-7591; Filed, Aug. 30, 1950;
8:46 a. m.]

ALASKA

NOTICE FOR FILING OBJECTIONS TO PLO 660¹

Notice for filing objections to the following entitled order published simultaneously herewith: Withdrawing public land for use of the Department of the Army for National Guard purposes.

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

[SEAL]

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 24, 1950.

[F. R. Doc. 50-7593; Filed, Aug. 30, 1950;
8:46 a. m.]

¹ See F. R. Doc. 50-7592, Title 43, Chapter I, *supra*.

ALASKA

SMALL TRACT CLASSIFICATION NO. 31

AUGUST 23, 1950.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order No. 319, dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify, as hereinafter indicated, under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682 (a)), as amended, the following described public lands in the Fairbanks, Alaska land district:

FOR LEASING AND SALE

For home and cabin sites:

T. 1 S., R. 1 E., Fairbanks Meridian,
Sec. 11: Lots 5 and 6 embracing approximately 51.44 acres.

2. The lands are located approximately seven miles from the town of Fairbanks. All of the lands are situated on the north bank of the Chena River and are accessible by boat from a road which parallels the south bank of the river. The lands lie on the Chena River floodplain and are generally level. Adequate water for domestic purposes can be obtained from wells, and sewage disposal may be made by the use of cesspools. No public utilities are available in the area at the present time. Churches, schools and marketing facilities are available at Fairbanks. The climate is of the extreme continental type of interior Alaska, cold and long winters but the snowfall is not excessive. The summers are short and warm, but the days are long and twilight is continuous during the short nights.

3. Pursuant to § 257.9 of the Code of Federal Regulations (43 CFR Part 257), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to this classification, and (b) are of the type of site for which the lands subject thereunder have been classified. As to such applications, this order shall become effective upon the date which it is signed.

4. As to the lands not covered by the applications referred to in paragraph 3, this order shall not become effective to permit the leasing of such land under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on September 12, 1950. At that time such land 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 other preference right filings.* For a period of 90 days from 10:00 a. m. on September 12, 1950 to close of business on December 11, 1950, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (53 Stat. 747, 43 U. S. C. secs. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act,

subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing valid statement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on August 23, 1950, or thereafter, up to and including 10:00 a. m. on September 12, 1950, 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 December 12, 1950, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on November 22, 1950, or thereafter, up to and including 10:00 a. m. on December 12, 1950, shall be treated as simultaneously filed.

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

6. All applications referred to in paragraphs 3 and 4, which shall be filed in the Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

7. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than five years, at an annual rental of \$5.00 for home and cabin sites, payable in advance for the entire lease period. Leases will contain an option

to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the terms and conditions of the lease have been met.

8. All of the land will be leased in tracts varying in size from approximately 3 acres to 5 acres, in accordance with the classification map on file in the Land Office, Fairbanks, Alaska. The tracts where possible are made to conform in description with the rectangular system of survey, in compact units.

9. The leases will be made subject to right-of-way for road purposes and public utilities, of 33 feet in width, on each side of the tracts contiguous to the section and/or quarter section lines, or as shown on the classification maps on file in the Land Office, Fairbanks, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory, county or municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Fairbanks, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 50-7595; Filed, Aug. 30, 1950;
8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Forest Service

CHIEF OF FOREST SERVICE

DELEGATION OF AUTHORITY

By virtue of the authority vested in the Secretary of Agriculture, I, Charles F. Brannan, Secretary of Agriculture, do hereby delegate to the Chief of the Forest Service the authority to determine and advise the Director, Bureau of Land Management, whether exploration, development, and utilization of mineral deposits, including oil and gas, under authority of the Secretary of the Interior pursuant to the Mineral Leasing Act for Acquired Lands (61 Stat. 913; 30 U. S. C. 351-359), section 3 of the act of September 1, 1949 (63 Stat. 683; 30 U. S. C. 192c, 1946 ed., Supp. III), and to the provisions of section 402, Reorganization Plan No. 3 of 1946 (11 F. R. 7875, 60 Stat. 1099), on lands under the jurisdiction of the Forest Service will interfere with the primary purposes for which the lands have been acquired or are being administered, and to consent to such exploration, development, and utilization subject to such conditions as the Chief of the Forest Service may prescribe to insure the adequate utilization of the lands for such purposes.

The Chief of the Forest Service may delegate to other officers and employees of the Forest Service such of the authority granted hereunder as he may consider desirable.

This amends the delegation to the Chief of the Forest Service dated January 16, 1948 (13 F. R. 308).

(5 U. S. C. 22; 61 Stat. 913, 30 U. S. C. 351-359; 63 Stat. 683, 30 U. S. C. 192c, 1946 ed., Supp. III; 11 F. R. 7875, 60 Stat. 1099)

Done at Washington, D. C., this 25th day of August 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-7607; Filed, Aug. 30, 1950;
8:47 a. m.]

Rural Electrification Administration

[Administrative Order 2908]

TEXAS

LOAN ANNOUNCEMENT

JULY 7, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 119H Kimble.....	\$215,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7647; Filed, Aug. 30, 1950;
8:53 a. m.]

[Administrative Order 2909]

ALLOCATION OF FUNDS FOR LOANS

JULY 14, 1950.

Inasmuch as Mitchell County Electric Membership Corporation has transferred certain of its properties and assets to Grady County Electric Membership Corporation, and Grady County Electric Membership Corporation has assumed in part the indebtedness to United States of America, of Mitchell County Electric Membership Corporation, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 993, dated December 5, 1945, by changing the project designation appearing therein as "Georgia 70P Mitchell" in the amount of \$320,000 to read "Georgia 70P Mitchell" in the amount of \$300,877.07 and "Georgia 68 Grady (Georgia 70P Mitchell)" in the amount of \$19,122.93.

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 50-7648; Filed, Aug. 30, 1950;
8:53 a. m.]

[Administrative Order 2910]

ALLOCATION OF FUNDS FOR LOANS

JULY 18, 1950.

I hereby amend:

(a) Administrative Order No. 338, dated April 18, 1939, by reducing the allocation of \$6,000 therein made for "Indiana R9027W1 Decatur" by \$591.43 so that the reduced allocation shall be \$5,408.57; and

(b) Administrative Order No. 676, dated February 20, 1942, by rescinding the allocation of \$8,000 therein made for "Indiana 2027S2 Decatur."

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7649; Filed, Aug. 30, 1950;
8:53 a. m.]

[Administrative Order 2911]

ALLOCATION OF FUNDS FOR LOANS

JULY 20, 1950.

Inasmuch as Medina Electric Cooperative, Inc., has transferred certain of its properties and assets to Bandera Electric Cooperative, Inc., and Bandera Electric Cooperative, Inc. has assumed in part the indebtedness to United States of America, of Medina Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1444, dated February 14, 1948, by changing the project designation appearing therein as "Texas 95R Medina" in the amount of \$470,000 to read "Texas 95R Medina" in the amount of \$424,000 and "Texas 92 Bandera (Texas 95R Medina)" in the amount of \$46,000.

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7650; Filed, Aug. 30, 1950;
8:53 a. m.]

[Administrative Order 2912]

ALLOCATION OF FUNDS FOR LOANS

JULY 20, 1950.

Inasmuch as Itasca-Mantrap Co-op. Electrical Ass'n has transferred certain of its properties and assets to Beltrami Electric Cooperative, Inc., and Beltrami Electric Cooperative, Inc. has assumed in part the indebtedness to United States of America, of Itasca-Mantrap Co-op. Electrical Ass'n, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 479, dated July 1, 1940, by changing the project designation appearing therein as "Minnesota 1083A2 Hubbard" in the amount of \$182,000 to read "Minnesota 1083A2 Hubbard" in the amount of \$58,463.02 and "Minnesota 96 Beltrami (Minnesota 1083A2 Hubbard)" in the amount of \$123,536.98.

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7651; Filed, Aug. 30, 1950;
8:53 a. m.]

[Administrative Order 2913]

ALLOCATION OF FUNDS FOR LOANS

JULY 20, 1950.

Inasmuch as Guadalupe Valley Electric Cooperative, Inc. has transferred

certain of its properties and assets to Lower Colorado River Electric Cooperative, Inc., and Lower Colorado River Electric Cooperative, Inc. has assumed in part the indebtedness to United States of America, of Guadalupe Valley Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1444, dated February 14, 1948, by changing the project designation appearing therein as "Texas 94M Gonzales" in the amount of \$1,430,000 to read "Texas 94M Gonzales" in the amount of \$1,386,151 and "Texas 100 Washington (Texas 94M Gonzales)" in the amount of \$43,849.

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7652; Filed, Aug. 30, 1950;
8:53 a. m.]

[Administrative Order 2914]

ALLOCATION OF FUNDS FOR LOANS

JULY 26, 1950.

Inasmuch as Texas Power Reserve Electric Cooperative, Inc. has transferred certain of its properties and assets to Pioneer Rural Electric Cooperative, Inc., and Pioneer Rural Electric Cooperative, Inc. has assumed in part the indebtedness to United States of America, of Texas Power Reserve Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 589, dated May 16, 1941, as amended by Administrative Order No. 1869, dated February 17, 1949, by changing the project designation appearing therein as "Texas 1120GM1 Travis" in the amount of \$9,086.24 to read "Texas 1120GM1 Travis" in the amount of \$1,172.48 and "Ohio 1 Miami (Texas 1120GM1 Travis)" in the amount of \$7,913.76.

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7653; Filed, Aug. 30, 1950;
8:53 a. m.]

[Administrative Order 2915]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JULY 28, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 21S Lancaster----	\$150,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7654; Filed, Aug. 30, 1950;
8:53 a. m.]

[Administrative Order 2916]

MISSOURI

LOAN ANNOUNCEMENT

JULY 31, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 18U Texas-----	\$600,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7655; Filed, Aug. 30, 1950;
8:53 a. m.]

[Administrative Order 2917]

OKLAHOMA

LOAN ANNOUNCEMENT

AUGUST 2, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Oklahoma 1S Kingfisher-----	\$205,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7656; Filed, Aug. 30, 1950;
8:53 a. m.]

[Administrative Order 2918]

KANSAS

LOAN ANNOUNCEMENT

AUGUST 2, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kansas 7R, S Jewell -----	\$800,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7657; Filed, Aug. 30, 1950;
8:53 a. m.]

[Administrative Order 2919]

TEXAS

LOAN ANNOUNCEMENT

AUGUST 4, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Ad-

ministrator of the Rural Electrification Administration:

Loan designation: Amount
Texas 88P Nueces..... \$170,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 50-7858; Filed, Aug. 30, 1950;
8:53 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC COAST AUSTRALASIAN TARIFF BUREAU, ET AL.

NOTICE OF APPROVAL OF AGREEMENTS

Notice is hereby given that the Board by order dated August 21, 1950, approved the following described agreements pursuant to section 15 of the Shipping Act, 1916, as amended:

Agreements 50-9 between the member lines of the Pacific Coast Australasian Tariff Bureau, 4294-11 between the member lines of the Pacific Coast/Caribbean Sea Ports Conference, 4630-9 between the member lines of the Pacific/West Coast of South America Conference, 5680-4 between the member lines of the Pacific/Straits Conference, 6060-6 between the member lines of the Pacific/Indonesian Conference, 6170-4 between the member lines of the Capca Freight Conference, 7170-2 between the member lines of the Pacific Coast/Panama Canal Freight Conference, and 7570-2 between the member lines of the Pacific Coast/Mexico Freight Conference, provide for the suspension of those provisions of the respective basic agreements of the above-named conferences which prohibit the payment of brokerage fees until final court decision in pending litigation involving the order of the United States Maritime Commission in Docket 657 requiring deletion from approved conference agreements of the prohibitions against the payment of brokerage.

Interested parties may obtain copies of these agreements at the Regulation Office, Federal Maritime Board, Washington, D. C.

Dated: August 28, 1950.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50-7620; Filed, Aug. 30, 1950;
8:49 a. m.]

Foreign-Trade Zones Board

[Order No. 23]

TEMPORARY AREA OF FOREIGN-TRADE ZONE 1

ORDER GRANTING APPLICATION OF CITY OF NEW YORK FOR REVISION

In the matter of the application of the city of New York to revise the temporary area of Foreign-Trade Zone No. 1 to include Piers 13, 14, 15, and 16 and adjacent slips and upland, Stapleton, Staten Island, New York.

Pursuant to authority contained in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998-1003; 19 U. S. C. 81a-81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Under date of May 19, 1950, the city of New York, through its Commissioner of Marine and Aviation, Edw. F. Cavanagh, Jr., duly filed with this Board its application to revise the temporary zone area to include Piers 13, 14, 15, and 16, and adjacent slips and upland, Stapleton, Staten Island, New York.

Accordingly, after full consideration and a finding that the proposal is in the public interest, it is hereby ordered as follows:

1. Permission is granted that Piers 13, 14, 15, and 16, and adjacent slips and upland (including area occupied by Sumatra tobacco warehouse and the administration building), Stapleton, Staten Island, New York, be designated as a suitable site where temporary zone operations shall be carried on.

2. During the present period of partial military occupancy this area will be deemed to be within Foreign-Trade Zone No. 1, provided, that the grantee segregates such area in a manner that will comply with the requirements of the local Collector of Customs, and that following the erection of barriers, etc., revised copies of temporary exhibits Nos. 1, 6, and 10 will be filed with the Board.

3. That part of Order No. 7 (7 F. R. 2074; March 14, 1942) insofar as it pertains to the area occupied by the Sumatra tobacco warehouse in Foreign-Trade Zone No. 1, and Order No. 14 authorizing foreign-trade zone activities on Piers 15 and 16, Stapleton, Long Island, New York (11 F. R. 12588; Oct. 25, 1946), are hereby superseded.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. No. 404, 79th Cong.) is unnecessary in connection with the issuance of this order because its application is restricted to one foreign-trade zone, and is of a nature that it imposes no burden on parties of interest.

Signed at Washington, D. C., this 25th day of August 1950, the effective date of this order.

[SEAL] CHARLES SAWYER,
Secretary of Commerce, Chairman,
Foreign-Trade Zones Board.

Attest:

THOS. E. LYONS,
Executive Secretary.

[F. R. Doc. 50-7621; Filed Aug. 30, 1950;
8:49 a. m.]

FEDERAL POWER COMMISSION

EAU CLAIRE DELLS IMPROVEMENT CO.

NOTICE OF ORDER

AUGUST 25, 1950.

Notice is hereby given that, on August 24, 1950, the Federal Power Commission issued its order entered August

22, 1950, directing and approving disposition of amounts classified in Account 107, Electric Plant Adjustments, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7598; Filed, Aug. 30, 1950;
8:46 a. m.]

[Docket No. G-1422]

DELTA NATURAL GAS CO.

NOTICE OF ORDER

AUGUST 25, 1950.

Notice is hereby given that, on August 24, 1950, the Federal Power Commission issued its order entered August 22, 1950, directing Central Kentucky Natural Gas Company to establish physical connection of its facilities with and sell natural gas to Delta Natural Gas Company.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-7599; Filed, Aug. 30, 1950;
8:46 a. m.]

GENERAL ACCOUNTING OFFICE

[Rev. Administrative Order 35]

CHIEF CLERK

DELEGATION OF AUTHORITY TO CERTIFY COPIES OF CERTAIN BOOKS, RECORDS, ETC., FOR COMPTROLLER GENERAL

AUGUST 25, 1950.

1. By virtue of and pursuant to the authority vested in me, as Comptroller General of the United States, by the provisions of section 311 (e) of the Budget and Accounting Act, 1921, 42 Stat. 25, 31 U. S. C. 52 (e), I hereby designate E. C. Bohannon, Chief Clerk of the General Accounting Office, and in his absence, F. L. McCoy, as Acting Chief Clerk, to certify, for the Comptroller General of the United States, copies of any books, records, papers, or documents, and transcripts from the books and proceedings of the General Accounting Office, as provided for by section 306 of the Budget and Accounting Act, 1921, 42 Stat. 24, 31 U. S. C. 46.

2. Administrative Order No. 35 dated July 26, 1944, and Supplement No. 1 thereto dated October 7, 1944, are hereby rescinded.

LINDSAY C. WARREN,
Comptroller General
of the United States.

[F. R. Doc. 50-7619; Filed, Aug. 30, 1950;
8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25360]

FISH FROM MAINE TO THE SOUTHWEST
APPLICATION FOR RELIEF

AUGUST 28, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff ICC No. 3592.

Commodities involved: Fish, other than shellfish, in carloads.

From: Points in Maine.

To: Points in the southwest.

Grounds for relief: Circuitous routes. To maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh ICC No. 3592, supp. 299.

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

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7611; Filed, Aug. 30, 1950;
8:48 a. m.]

[4th Sec. Application 25361]

BLACKSTRAP MOLASSES FROM NEW ORLEANS, LA., TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

AUGUST 28, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. P. Emerson, Jr., Agent, for and on behalf of the Texas and Pacific Railway Company and the St. Louis-Southwestern Railway Company.

Commodities involved: Blackstrap molasses, in tank carloads.

From: New Orleans, La.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr., ICC No. 395, Supp. 18.

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

relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7612; Filed, Aug. 30, 1950;
8:48 a. m.]

[4th Sec. Application 25362]

PETROLEUM AND ITS PRODUCTS FROM COLORADO AND WYOMING TO THE WEST

APPLICATION FOR RELIEF

AUGUST 28, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of carriers parties to his tariff ICC No. A-3748 and other tariffs named in the application.

Commodities involved: Petroleum and its products, in tank carloads.

From: Points in Colorado and Wyoming.

To: Points in Colorado, Kansas, Nebraska, South Dakota, and Wyoming.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: C. B. & Q. I. C. C. No. 19978, supp. 104; C. B. & Q. I. C. C. No. 20047, supp. 47; U. P. I. C. C. No. 4933, sup. 134; L. E. Kipp, I. C. C. No. A-3748, supp. 28; A. S. Ahlstrom, I. C. C. No. 40, supp. 114.

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

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7613; Filed, Aug. 30, 1950;
8:48 a. m.]

[4th Sec. Application 25363]

BLACKSTRAP MOLASSES FROM NEW ORLEANS, LA., TO WESTERN TRUNK LINE

APPLICATION FOR RELIEF

AUGUST 28, 1950.

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

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

Filed by: W. P. Emerson, Jr., Agent, for and on behalf of carriers parties to his tariff ICC No. 395.

Commodities involved: Blackstrap molasses, in tank carloads.

From: New Orleans, La.

To: Points in western trunk line territory, Illinois, Missouri and Indiana.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr., ICC No. 395, Supp. 18.

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

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7614; Filed, Aug. 30, 1950;
8:48 a. m.]

[No. 30416]

CLASS RATES, MOUNTAIN-PACIFIC TERRITORY

AUGUST 25, 1950.

The order of investigation in this proceeding was entered and served on November 28, 1949.

Apparently it will be desirable for the Commission to utilize the rule making procedure of the Administrative Procedure Act. It will save time and expense all around for the respondent rail carriers in the affected territory, groups of State commissions, and industrial and commercial groups which have similar interests to make arrangements for the common receipt of copies of verified statements, etc., by designated group representatives who will see to the prompt distribution of such documents to interested parties in their various groups.

Information as to the formation of such groups and arrangements such as suggested should be supplied to the Commission within two weeks from this date.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 50-7616; Filed, Aug. 30, 1950;
8:48 a. m.]

[No. 30660]

CLASS RATES, TRANSCONTINENTAL RAIL, 1950

At a general session of the Interstate Commerce Commission, held at its office

In Washington, D. C., on the 17th day of August A. D. 1950.

The Commission upon consideration of the interstate class rates interterritorially applicable between mountain-Pacific territory and the various transcontinental rate groups east of that territory, finds good cause and therefore makes the following order for investigation and hearing:

It is ordered, That a proceeding of investigation and inquiry is hereby instituted by the Commission on its own motion into and concerning the interstate class rates of railroads subject to the Interstate Commerce Act, applicable to transportation in interstate or foreign commerce by railroad, or by water, or partly by railroad and partly by water, by common carriers subject to Part I of the Interstate Commerce Act as defined in section 1 (1)-(3) thereof, as amended (49 U. S. C., sec. 1 (1) to (3) inclusive) and the charges resulting therefrom, interterritorially between mountain-Pacific territory, which for the purposes of this proceeding is defined as comprising all points in the United States lying on and generally westward of the following line: The western boundaries of the States of North Dakota, South Dakota, and Nebraska south to the main line of the Union Pacific Railroad Company, thence along such railway west to Cheyenne, Wyo., thence south on the line of The Colorado and Southern Railway Company and paralleling railroads passing through Denver, Pueblo, and Trinidad, Colo., to the border of the State of New Mexico, thence successively east, south, and west along the latter border to the international boundary, the Rio Grande River, and the remainder of the United States lying east of such mountain-Pacific territory, in order to determine whether such class rates and charges, or any of them, are unjust, unreasonable, unduly prejudicial, unduly preferential, or otherwise unlawful, and to making such findings and orders as may be proper in the premises;

It is further ordered, That such investigation shall extend to all rates determined by ratings in the applicable classification of freight proper, whether such ratings are stated as the regular numbered or lettered classes or as percentages of one of such classes;

It is further ordered, That all common carriers by railroad, or by water, or partly by railroad and partly by water, as defined in section 1 (1) to (3), inclusive, of the Interstate Commerce Act, as amended, and subject to said act, and participating in said transportation be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the respondents; and that notice hereof be given to the general public by depositing a copy of this order 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;

And it is further ordered, That this proceeding be assigned for hearing at such times and places, and be subject to such proceedings under the rule-making

provisions of the Administrative Procedure Act, as the Commission may hereafter direct.

By the Commission.

[SEAL]

W. P. BARTEL,
Secretary.

[P. R. Doc. 50-7618; Filed, Aug. 30, 1950;
8:48 a. m.]

[No. 30660]

CLASS RATES, TRANSCONTINENTAL RAIL, 1950¹

August 25, 1950.

By order of the Commission dated August 17, 1950, a proceeding of investigation was instituted as to the interstate class rates interterritorially between mountain-Pacific territory and various transcontinental rate groups east thereof.

Apparently it will be desirable for the Commission to utilize the rule making procedure of the Administrative Procedure Act. It will save time and expense all around for the respondent rail carriers in the affected territories, groups of State commissions, and industrial and commercial groups which have similar interests to make arrangements for the common receipt of copies of verified statements, etc., by designated group representatives who will see to the prompt distribution of such documents to interested parties in their various groups.

Information as to the formation of such groups and arrangements such as suggested should be supplied to the Commission within two weeks from this date.

[SEAL]

W. P. BARTEL,
Secretary.

[P. R. Doc. 50-7617; Filed, Aug. 30, 1950;
8:48 a. m.]

OFFICE OF HOUSING EXPEDITER

ORGANIZATION DESCRIPTION INCLUDING DELEGATIONS OF FINAL AUTHORITY

DESIGNATION OF ACTING HOUSING EXPEDITER

J. Walter White is hereby designated to act as Housing Expediter during my absence from August 28 through August 30, 1950, with the title "Acting Housing Expediter" with all the powers, duties, and rights conferred upon me by the Housing and Rent Act of 1947, as amended, or any other act of Congress or Executive order, and all such powers, duties, and rights are hereby delegated to such officer for such period.

Issued this 25th day of August 1950.

TICHE E. WOODS,
Housing Expediter.

[P. R. Doc. 50-7660; Filed, Aug. 29, 1950;
5:07 p. m.]

¹ See P. R. Doc. 50-7618, *supra*

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2455]

NEW ENGLAND GAS AND ELECTRIC ASSN.
AND NEW BEDFORD GAS AND EDISON
LIGHT CO.

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 25th day of August A. D. 1950.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Gas and Electric Association, ("Negea"), a registered holding company, and its utility subsidiary, New Bedford Gas and Edison Light Company ("New Bedford"). Applicants-declarants have designated sections 6 (b), 9, 10 and 12 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 20, 1950, 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 joint 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 20, 1950, said joint application-declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

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

New Bedford proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$3,750,000 principal amount of 25-Year -- Percent Notes, series B, due 1975. The interest rate and the price to the company for the notes will be determined by competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100 percent nor more than 102.75 percent of the principal amount. The proceeds of the sale of the notes will be used to repay a like principal amount of bank notes due December 31, 1952 and any balance of proceeds will be used to partially reimburse New Bedford's Plant Replacement Fund Assets account for expenditures made therefrom to finance additions to its plant and property.

New Bedford also proposes to issue and sell 10,631 additional shares of its \$25 par value common stock, at a price of \$67.50 per share, to its stockholders pur-

suant to their preemptive rights. Negea as the holder of approximately 97 percent of the outstanding common stock proposes to purchase its pro rata portion of the additional stock and all shares which are unsubscribed for by other stockholders. The proceeds of the sale of the additional shares of common stock are to be used to partially reimburse New Bedford's Plant Replacement Fund Assets account for expenditures made therefrom to finance additions to its plant and property.

The proposed issuance and sale of bonds and common stock has been approved by the Department of Public Utilities of Massachusetts.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 50-7600; Filed, Aug. 30, 1950;
8:46 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. 9537, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14924]

DEUTSCHE REICHSBANK

In re: Portion of bank account owned by Deutsche Reichsbank. F-28-1282.

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 Deutsche Reichsbank, the last known address of which is Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Federal Reserve Bank of New York, 33 Liberty Street, New York 45, New York in the amount of \$5,825.58 constituting a portion of an account maintained with said Bank entitled Sub-Account No. 1 of the Bank for International Settlements, 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 Deutsche Reichsbank, 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).

No. 169—8

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 August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7629; Filed, Aug. 30, 1950;
8:50 a. m.]

[Vesting Order 14925]

ELSA BURGDORF CROHN AND CONRAD BURGDORF

In re: Bank account owned by Elsa Burgdorf Crohn also known as Elsie Burgdorf Crohn and debts owing to Elsa Burgdorf Crohn also known as Elsie Burgdorf Crohn and Conrad Burgdorf. F-28-9496-C-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 Elsa Burgdorf Crohn also known as Elsie Burgdorf Crohn, whose last known address is Lubeck, Katharinenstrasse (69) Germany, and Conrad Burgdorf, whose last known address is Germany are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Elsa Burgdorf Crohn also known as Elsie Burgdorf Crohn by The Idaho First National Bank, Boise, Idaho, arising out of a commercial account, entitled Wulff Hardware and Implement Company, Trustee for Alien Property Custodian, maintained at the branch office of the aforesaid bank located at Weiser, Idaho, 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, Elsa Burgdorf Crohn also known as Elsie Burgdorf Crohn, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation evidenced by a Cashier's Check numbered 84472, dated January 31, 1941, in the amount of \$999.00 payable to The Idaho First National Bank, Weiser, Idaho, or Geo. Donart, Weiser, Idaho,

presently in the custody of The Idaho First National Bank, Weiser, Idaho, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid check, and

b. That certain debt or other obligation evidenced by a Cashier's Check numbered 86942, dated August 22, 1942, in the amount of \$1,000.00 payable to The Idaho First National Bank; Harris-Burgdorf Escrow, Weiser, Idaho, presently in the custody of The Idaho First National Bank, Weiser, Idaho, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid check

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 Elsa Burgdorf Crohn also known as Elsie Burgdorf Crohn and Conrad Burgdorf, the aforesaid nationals of a designated enemy country (Germany);

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 August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7630; Filed, Aug. 30, 1950;
8:50 a. m.]

[Vesting Order 14927]

ANA SUTER DE HEPNER

In re: Stock owned by and debt owing to Ana Suter de Hepner. F-28-30798-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 Ana Suter de Hepner, whose last known address is Wiesbaden-Biebrich, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Six hundred (600) shares of \$1.00 par value common capital stock of Curtiss-Wright Corporation, Woodridge, New Jersey, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered D222909, D222910, D223247, D224627/629 for one hundred (100) shares each, registered in the name of Slade & Co., and presently in the custody of The American Express Co., Inc., New York Agency, 65 Broadway, New York 6, New York, in a blocked account entitled The American Express Co., Inc., Amsterdam, Holland, together with all declared and unpaid dividends thereon,

b. Two hundred twenty and ten-twentieths (220¹⁰/₂₀) shares of \$1.00 par value common capital stock of Industrial Rayon Corporation, 660 Union Commerce Bldg., Cleveland 1, Ohio, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered NN/C 1221/2 for one hundred (100) shares each, NN/CO 15149 and NN/CO 34609 for ten (10) shares each and certificate (Scrip) SC 5553 for ten-twentieths (10¹⁰/₂₀) share, and presently in the custody of The American Express Co., Inc., New York Agency, 65 Broadway, New York 6, New York, in a blocked account entitled The American Express Co., Inc., Amsterdam, Holland, together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation of The American Express Co., Inc., New York Agency, 65 Broadway, New York 6, New York, in the amount of \$4,780.61 as of March 30, 1950, representing a portion of an account of The American Express Co., Inc., Amsterdam, Holland, maintained at the aforesaid New York Agency, 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, Ana Suter de Hepner, 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 other-

wise 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 August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7631; Filed, Aug. 30, 1950;
8:50 a. m.]

[Vesting Order 14928]

DR. KARRIN HISSINK

In re: Stock owned by Dr. Karrin Hissink also known as Karin Hissink. F-23-30752.

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 Dr. Karrin Hissink also known as Karin Hissink, whose last known address is 29 Myliusstr., Frankfurt/Main, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Twenty (20) shares of \$5.00 par value capital stock of Continental Oil Company, 10 Rockefeller Plaza, New York 20, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 0151424 and 0151535, for ten (10) shares each, registered in the name of Administratiekantoor Van Binnen En Buitenlandsche Fondsen N. V., Amsterdam C, Holland, 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, Dr. Karrin Hissink also known as Karin Hissink, 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 August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7632; Filed, Aug. 30, 1950;
8:50 a. m.]

[Vesting Order 14930]

JAPANESE GOVERNMENT

In re: Portion of bank account owned by Japanese Government. F-39-3109-E-1.

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

1. That the property described as follows: That certain debt or other obligation of the Federal Reserve Bank of New York, 33 Liberty Street, New York 45, New York in the amount of \$32,553.34 constituting a portion of an account maintained with said Bank entitled Sub-Account No. 1 of the Bank for International Settlements, 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 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 term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7633; Filed, Aug. 30, 1950;
8:50 a. m.]

[Vesting Order 14969]

ELSIBETH LIMPET

In re: Rights of Elsbeth Limpert under insurance installment certificate. File No. F-28-26651-H-5.

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 Elsbeth Limpert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under Continuous Installment Certificate No. D-92, 520-F, issued by The Mutual Benefit Life Insurance Company, Newark, New Jersey, to Elsbeth Limpert, together with the right to demand, receive and collect said net proceeds,

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 August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7634; Filed, Aug. 30, 1950; 8:50 a. m.]

[Vesting Order 14970]

KARL LIMPET

In re: Rights of Karl Limpert under insurance installment certificate. File No. F-28-26651-H-8.

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

1. That Karl Limpert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under Continuous Installment Certificate No. D-92, 520-K, issued by The Mutual Benefit Life Insurance Company, Newark, New Jersey, to Karl Limpert, together with the right to demand, receive and collect said net proceeds,

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 August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7635; Filed, Aug. 30, 1950; 8:50 a. m.]

[Vesting Order 14971]

YONOSUKE AND SATOKO MAENAMI

In re: Rights of Yonosuke Maenami and Satoko Maenami under insurance contract. File No. D-39-23-H-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 Yonosuke Maenami and Satoko Maenami, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8 801 162, issued by the New York Life Insurance Company, New York, New York, to Yonosuke Maenami, together with the right to demand, receive and collect said net proceeds,

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, Yonosuke Maenami or Satoko Maenami, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. 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 (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 August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7636; Filed, Aug. 30, 1950; 8:50 a. m.]

[Vesting Order 14973]

(MRS.) TSURUYO NODA

In re: Rights of (Mrs.) Tsuruyo Noda under deposit installment contract. File No. F-39-5459-H-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 (Mrs.) Tsuruyo Noda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under Deposit Installment Contract No. 1,425,544, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to (Mrs.) Tsuruyo Noda, together with the right to demand, receive and collect said net proceeds, (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

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 August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7637; Filed, Aug. 30, 1950;
8:50 a.m.]

[Vesting Order 14975]

ADOLF PFEIFFER

In re: Rights of Adolf Pfeiffer under insurance contract. File No. F-28-26022-H-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 Adolf Pfeiffer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8,193,464, issued by the New York Life Insurance Company, New York, New York, to Adolf Pfeiffer, together with the right to demand, receive and collect said net proceeds,

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 August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7639; Filed, Aug. 30, 1950;
8:51 a.m.]

[Vesting Order 14976]

ANTON (ANTHONY) RUPRECHT ET AL.

In re: Rights of Anton (Anthony) Ruprecht et al. under insurance contract. File No. F-28-24428-H-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 Anton (Anthony) Ruprecht, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frieda Ruprecht, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 96 807 483, issued by the Metropolitan Life Insurance Company, New York, New York, to Frieda Ruprecht, together with the right to demand, receive and collect said net proceeds,

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 nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frieda Ruprecht, 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 August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7639; Filed, Aug. 30, 1950;
8:51 a.m.]

[Vesting Order 14977]

BENEDICTA BAUMANN SCHOETTLE

In re: Rights of Benedicta Baumann Schoettle, formerly Benedicta Schoettle under insurance contract. File No. F-28-8666-H-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 Benedicta Baumann Schoettle, formerly Benedicta Schoettle, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. An-11954, issued by the Aetna Life Insurance Company, Hartford, Connecticut, to Benedicta Schoettle, together with the right to demand, receive and collect said net proceeds,

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 August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7640; Filed, Aug. 30, 1950;
8:51 a.m.]