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## TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10579

### REGULATIONS RELATING TO THE ESTABLISHMENT AND OPERATION OF INTERAGENCY MOTOR-VEHICLE POOLS AND SYSTEMS

By virtue of the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended (hereinafter referred to as the Act), particularly by sections 107, 205 (a) and 211 (c) thereof, 63 Stat. 382, 389, 64 Stat. 580, and 68 Stat. 1126, and by section 202 of the Budget and Accounting Procedures Act of 1950 (64 Stat. 838; 31 U. S. C. 581c), and as President of the United States, I hereby prescribe the following regulations:

**SECTION 1. Purpose and general policy.** (a) The purpose of these regulations is to establish policies and procedures under which interagency motor-vehicle pools or systems may be established, operated, curtailed, or discontinued.

(b) The Administrator of General Services (hereinafter referred to as the Administrator) shall establish and provide for the operation of interagency motor-vehicle pools and systems for the purpose of providing more efficient or economical transportation of Government personnel and property within specific areas by motor vehicles or local transit systems. Pools or systems based in whole or in part upon use of privately-owned vehicles and facilities shall be preferred to Government ownership of vehicles and facilities to the extent that it is feasible to provide required motor-vehicle services of satisfactory quality and cost from commercial or other private sources.

**Sec. 2. Conduct of studies to determine advisability of establishing motor-vehicle pools or systems.** (a) The Administrator shall select areas in which studies are to be conducted to determine the advisability of establishing motor-vehicle pools or systems. Before initiating any such study, he shall give at least thirty days notice to the head of each executive agency (as defined in section 3 (a) of the Act). The notice shall include a statement of the approximate geographic area to be studied and the date on which the study will begin.

(b) The head of each executive agency receiving notice that such a study is to

be made shall provide information which is required or pertinent. He shall also designate one or more officials in the field with whom members of a staff assigned by the General Services Administration may consult. Such designated officials shall provide such assigned staff with needed information and assistance, including reasonable opportunities to observe motor-vehicle operations and facilities and to examine pertinent cost and other records.

**Sec. 3. Determination to establish an interagency motor-vehicle pool or system.** (a) If the Administrator determines, with due regard to the program activities of the agencies concerned, and on the basis of a study made in accordance with section 2 hereof, that an interagency motor-vehicle pool or system should be established, he shall be responsible for preparing a formal determination to that effect. Such determination shall include:

(1) A description of the proposed operation, including a statement of the types of service and of the geographic area, and the agencies or parts of agencies to be served.

(2) The name of the executive agency designated to be responsible for operating the pool or system, and the reasons for such designation.

(3) A statement indicating the motor vehicles and related equipment and supplies to be transferred and the amount of reimbursement, if any, to be made therefor.

(b) Each determination shall be accompanied by an analytical justification which shall include a comparison of estimated costs of the present and proposed methods of operation and a showing of the estimated savings to be realized through the establishment of the proposed pool or system. The justification shall also describe the alternatives considered in making the determination, and shall include a statement concerning the availability of privately-owned facilities and equipment, and the feasibility and estimated cost (immediate and long-term) of using such facilities and equipment.

(c) The Administrator shall send a copy of each determination to each executive agency affected and to the Director

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# FEDERAL REGISTER

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of the Bureau of the Budget (hereinafter referred to as the Director).

Sec. 4. *Transfers of records, facilities, personnel, and appropriations.* Whenever the Administrator prepares a determination as set forth in section 3 of these regulations, he shall also prepare and present to the Director a schedule of the proposed transfer of such records, facilities, personnel, and appropriations as relate primarily to the functions which are to be transferred to the inter-agency motor-vehicle pool or system. A copy of such schedule shall be sent by the Administrator to each executive agency affected. The Director shall determine the records, facilities, personnel, and appropriations to be transferred.

Sec. 5. *Taking effect of determinations.* Unless a greater time is allowed therein, any determination made by the Administrator shall become binding on all affected executive agencies forty-five



days after the issuance thereof except with respect to any agency which appeals, or requests an exemption, from any such determination in accordance with section 6 of these regulations.

**SEC. 6. Review of determinations not agreed to by agencies affected.** (a) Any executive agency may appeal or request exemption from any or all proposals affecting it which are contained in a determination. Appeals shall be submitted in writing to the Director with a copy to the Administrator within forty-five days from the date of the determination. Such appeals shall be accompanied by factual and objective supporting data and justification.

(b) The Director shall review any determination from which an executive agency has appealed and shall make a final decision on such appeal. The Director shall make such decisions, within seventy-five days after he receives the appeal or as soon thereafter as practicable, on the basis of information contained in the Administrator's determination, the executive agencies' appeals therefrom, and any supplementary data submitted by the Administrator and the contesting agencies. The Director shall send copies of decisions to the Administrator and to the heads of other executive agencies concerned.

(c) The Director's decision upon each such appeal, if it holds that the determination shall apply in whole or in part to the appealing agency, shall state the extent to which the determination applies and the effective date of its application. To the extent that the Director's decision on an appeal does not uphold the Administrator's determination, such determination shall be of no force and effect.

**SEC. 7. Compliance with determinations and decisions on appeals.** (a) When a determination or a decision on an appeal made in accordance with these regulations has become effective, each executive agency affected shall comply therewith.

(b) The Director shall take such actions as he deems appropriate to assist in securing compliance with determinations which have become effective. In the exercise of his authority to establish reserves in apportioning appropriations and funds, the Director shall take account of such savings as accrue from the establishment of interagency motor-vehicle pools and systems.

(c) The executive agency which operates any pool or system established hereunder shall maintain accurate records of the cost of establishment, maintenance, and operation of any interagency motor-vehicle pool or system established pursuant to these regulations.

(d) The Administrator shall be responsible for maintaining adequate reviews and controls of the economy and

efficiency of all pools or systems established in accordance with these regulations, including those not directly operated by the General Services Administration.

**SEC. 8. Discontinuance or curtailment of service.** (a) If, during any reasonable period, not exceeding two successive fiscal years, no actual savings are realized from the operation of any pool or system established hereunder, the Administrator shall discontinue the pool or system concerned.

(b) The Administrator may discontinue or curtail a motor-vehicle pool or system when he determines that it is not the most economical method of rendering required motor-vehicle service; but he shall give at least sixty days notice of such intention to executive agencies affected and to the Director before taking such action.

(c) Executive agencies affected by a pool or system for which the Administrator is responsible (including interagency pools or systems operated by another executive agency designated by the Administrator) may bring problems of service and cost to the attention of the Administrator, who shall assure that such problems receive proper attention.

(d) Executive agencies receiving motor-vehicle services from an interagency motor-vehicle pool or system under these regulations may request discontinuance or curtailment of their participation in such pool or system after at least one year of participation or in the event that the need for the services from the pool or system ceases. Such requests shall be submitted to the Administrator with pertinent factual justification.

(e) If the Administrator does not agree with such request and is unable to make arrangements which are mutually acceptable to him and to the head of the executive agency concerned, the agency's request for discontinuance or modification and the Administrator's reasons for not agreeing with the request shall be forwarded to the Director who shall be responsible for making a final and binding decision.

(f) When a pool or system is discontinued or curtailed, such transfers of vehicles and related equipment and supplies, personnel, records, facilities, and funds as may be appropriate will be made, subject to the approval of the Director.

**SEC. 9. Motor vehicles exempted from inclusion in interagency motor-vehicle pools.** The following-described classes of motor vehicles shall be exempt from inclusion in interagency motor-vehicle pools or systems:

(1) Motor vehicles designed or used for military field training, combat, or tactical purposes, or used principally within the confines of a regularly established military post, camp, or depot.

(2) Any motor vehicle regularly used by an agency in the performance of investigative, law enforcement, or intelligence duties if the head of such agency determines that exclusive control of such vehicle is essential to the effective performance of such duties: *Provided*, that vehicles regularly used for common administrative purposes not directly connected with the performance of law enforcement, investigative, or intelligence duties shall not because of such use be exempted from such inclusion.

(3) Any motor vehicle the conspicuous identification of which as a Government vehicle would interfere with the purpose for which it is acquired and used.

(4) Unless inclusion is mutually agreed upon by the Administrator and the head of the agency concerned:

(i) Motor vehicles for the use of the heads of the executive agencies, ambassadors, ministers, *chargé d'affaires*, and other principal diplomatic and consular officials.

(ii) Motor vehicles regularly and principally used for the transportation of diplomats and representatives of foreign countries or by officers of the Department of State for the conduct of official business with representatives of foreign countries.

(iii) Motor vehicles regularly used for the distribution and transportation of mails.

(5) Motor vehicles which, because of their design or the special purposes for which they are used, or for other reasons, cannot advantageously be incorporated in an interagency motor-vehicle pool or system if the exemption thereof has been mutually agreed upon by the Administrator and the head of the executive agency concerned.

(6) Motor vehicles exempted by an agency which has authority to make such an exemption under the provisions of the Act.

**SEC. 10. Optional use arrangements.** Nothing in these regulations shall be construed as precluding the establishment or operation of interagency motor-vehicle pools or systems on the basis of optional use by executive or other Federal agencies.

**SEC. 11. Supplementary regulations.** The Administrator shall, after consultation with the executive agencies concerned and with due regard to their program activities, issue such supplementary regulations of general applicability to the executive agencies concerned as are necessary for the effective and economical operation of pools or systems under the Act.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

November 30, 1954.

[F. R. Doc. 54-9551; Filed, Dec. 1, 1954; 10:19 a. m.]



# RULES AND REGULATIONS

## TITLE 7—AGRICULTURE

### Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

#### PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

#### PROCLAMATION OF NATIONAL MARKETING QUOTAS FOR 1955-56 MARKETING YEAR AND APPORTIONMENT OF QUOTAS AMONG THE SEVERAL STATES

- Sec.  
723.601 Basis and purpose.  
723.602 Findings and determinations with respect to the national marketing quota for cigar-filler tobacco for the marketing year beginning October 1, 1955.  
723.603 Findings and determinations with respect to the national marketing quota for cigar-filler and cigar-binder tobacco for the marketing year beginning October 1, 1955.

AUTHORITY: §§ 723.601 to 723.603 issued under sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313.

§ 723.601 *Basis and purpose.* (a) Sections 723.601 to 723.603 are issued to announce the reserve supply level and the total supply of cigar-filler tobacco and cigar-filler and cigar-binder tobacco (exclusive of type 46 which has been designated (15 F. R. 8214) as a separate kind of tobacco) for the marketing year beginning October 1, 1954, to establish the amounts of the national marketing quotas for cigar-filler tobacco and cigar-filler and cigar-binder tobacco for the marketing year beginning October 1, 1955, and to apportion the quotas among the several States. The findings and determinations by the Secretary contained in §§ 723.602 and 723.603 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from cigar-filler tobacco and cigar-filler and cigar-binder tobacco producers and others as provided in a notice (19 F. R. 6481) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of cigar-filler tobacco producers within 30 days after the issuance of a proclamation of the national marketing quota for cigar-filler tobacco to determine whether such producers favor marketing quotas and requires, insofar as practical, the mailing of notices of farm acreage allotments to farm operators prior to the date of the referendum, it is hereby found that compliance with the 30-day effective date provision of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the proclamation and apportionment of the national marketing quotas contained herein shall become effective upon the date of filing with the FEDERAL REGISTER.

§ 723.602 *Findings and determinations with respect to the national marketing quota for cigar-filler tobacco for the marketing year beginning October 1, 1955*<sup>1</sup>—

(a) *Reserve supply level.* The reserve supply level for cigar-filler tobacco is 138,800,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 47,500,000 pounds and a normal year's exports of 1,000,000 pounds.

(b) *Total supply.* The total supply of cigar-filler tobacco for the marketing year beginning October 1, 1954, is 148,300,000 pounds consisting of carryover of 105,700,000 pounds and estimated 1954 production of 42,600,000 pounds.

(c) *Carryover.* The estimated carryover of cigar-filler tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1955, is 99,800,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1954, of 48,500,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of cigar-filler tobacco which will make available during the marketing year beginning October 1, 1955, a supply of cigar-filler tobacco equal to the reserve supply level of such tobacco is 39,000,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 39,000,000 pounds would be inadequate to meet market demands during the 1955-56 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar-filler tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1955, is 46,800,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	Acreage allotment
Kentucky.....	22
Maryland.....	2
Pennsylvania.....	30,378
Reserve <sup>1</sup> .....	307

<sup>1</sup> Acreage reserved for establishing allotments for farms upon which no cigar-filler tobacco has been grown during the past five years.

§ 723.603 *Findings and determinations with respect to the national marketing quota for cigar-filler and cigar-binder tobacco for the marketing year beginning October 1, 1955*<sup>1</sup>—(a) *Reserve supply level.* The reserve supply level for cigar-filler and cigar-binder tobacco

(exclusive of type 46 which has been designated (15 F. R. 8214) as a separate kind of tobacco) is 193,000,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 65,000,000 pounds and a normal year's exports of 3,000,000 pounds.

(b) *Total supply.* The total supply of cigar-filler and cigar-binder tobacco (exclusive of type 46) for the marketing year beginning October 1, 1954, is 200,800,000 pounds consisting of carryover of 144,000,000 pounds and estimated 1954 production of 56,800,000 pounds.

(c) *Carryover.* The estimated carryover of cigar-filler and cigar-binder tobacco (exclusive of type 46) at the beginning of the marketing year for such tobacco beginning October 1, 1955, is 131,600,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1954, of 69,200,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of cigar-filler and cigar-binder tobacco (exclusive of type 46) which will make available during the marketing year beginning October 1, 1955, a supply of cigar-filler and cigar-binder tobacco equal to the reserve supply level of such tobacco is 61,400,000 pounds, and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 61,400,000 pounds would be inadequate to meet market demands during the 1955-56 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar-filler and cigar-binder tobacco (exclusive of type 46) in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1955, is 73,700,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	Acreage allotment
Connecticut.....	11,987
Illinois.....	8
Indiana.....	2
Iowa.....	10
Massachusetts.....	6,075
Minnesota.....	319
New Hampshire.....	6
New York.....	295
Ohio.....	6,580
Pennsylvania.....	337
Vermont.....	8
Wisconsin.....	21,649
Reserve <sup>1</sup> .....	478

<sup>1</sup> Acreage reserved for establishing allotments for farms upon which no cigar-filler and cigar-binder tobacco has been grown during the past five years.

<sup>1</sup> Rounded to the nearest tenth of a million pounds.



Done at Washington, D. C., this 26th day of November 1954. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 54-9529; Filed, Nov. 30, 1954;  
12:33 p. m.]

# PART 725—BURLEY AND FLUE-CURED TOBACCO

## PROCLAMATION OF NATIONAL MARKETING QUOTAS FOR 1955-56 MARKETING YEAR AND APPORTIONMENT OF QUOTAS AMONG THE SEVERAL STATES

Sec.

- 725.601 Basis and purpose.  
725.602 Findings and determinations with respect to the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1955.  
725.603 Findings and determinations with respect to the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1955.

AUTHORITY: §§ 725.601 to 725.603 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313.

§ 725.601 *Basis and purpose.* (a) Sections 725.601 to 725.603 are issued (1) to announce the reserve supply level and the total supply of Burley tobacco for the marketing year beginning October 1, 1954, and to establish the amount of the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1955; (2) to announce the reserve supply level and the total supply of flue-cured tobacco for the marketing year beginning July 1, 1954, and to establish the amount of the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1955; and (3) to apportion the national marketing quotas among the several States. The findings and determinations contained in §§ 725.601 to 725.603 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from Burley and flue-cured tobacco producers and others as provided in a notice (19 F. R. 6481) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since Burley and flue-cured tobacco growers are now planning their farming operations for 1955, are purchasing fertilizer, and preparing the land to which tobacco will be transplanted, it is imperative that they be notified as soon as possible of their 1955 acreage allotments and farm marketing quotas. Therefore, it is hereby determined that compliance with the provisions of the Administrative Procedure Act with respect to the effective date is contrary to the public interest, and that the proclamation and apportionment of the national marketing quotas contained herein shall become effective upon the date of filing with the FEDERAL REGISTER.

§ 725.602 *Findings and determinations with respect to the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1955*—(a) *Reserve supply level.* The reserve supply level for Burley tobacco is 1,606,000,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 535,000,000 pounds and a normal year's exports of 36,000,000 pounds.

(b) *Total supply.* The total supply of Burley tobacco for the marketing year beginning October 1, 1954, is 1,780,000,000 pounds consisting of carryover of 1,198,000,000 pounds and estimated 1954 production of 582,000,000 pounds.

(c) *Carryover.* The estimated carryover of Burley tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1955, is 1,208,000,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1954, of 572,000,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of Burley tobacco which will make available during the marketing year beginning October 1, 1955, a supply of Burley tobacco equal to the reserve supply level of such tobacco is 398,000,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 398,000,000 pounds would result in undue restriction of marketings during the 1955-56 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Burley tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1955, is 478,000,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	Acreage allotment
Alabama	35
Arkansas	59
Georgia	89
Illinois	6
Indiana	9,021
Kansas	118
Kentucky	237,063
Missouri	3,834
North Carolina	11,022
Ohio	11,663
Oklahoma	5
Pennsylvania	2
South Carolina	5
Tennessee	72,009
Texas	1
Virginia	12,313
West Virginia	3,162
Reserve <sup>1</sup>	1,811

<sup>1</sup> Acreage reserved for establishing allotments for farms upon which no Burley tobacco has been grown during the past five years.

<sup>1</sup> Rounded to the nearest million pounds.

§ 725.603 *Findings and determinations with respect to the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1955*—(a) *Reserve supply level.* The reserve supply level for flue-cured tobacco is 3,081,000,000 pounds calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 800,000,000 pounds and a normal year's exports of 445,000,000 pounds.

(b) *Total supply.* The total supply of flue-cured tobacco for the marketing year beginning July 1, 1954, is 3,243,000,000 pounds consisting of carryover of 1,915,000,000 pounds and estimated 1954 production of 1,328,000,000 pounds.

(c) *Carryover.* The estimated carryover of flue-cured tobacco at the beginning of the marketing year for such tobacco beginning July 1, 1955, is 1,977,000,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning July 1, 1954, of 1,266,000,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of flue-cured tobacco which will make available during the marketing year beginning July 1, 1955, a supply of flue-cured tobacco equal to the reserve supply level of such tobacco is 1,104,000,000 pounds, and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 1,104,000,000 pounds would result in undue restriction of marketings during the 1955-56 marketing year and such amount is hereby increased by 15 percent. Therefore, the amount of the national marketing quota for flue-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning July 1, 1955, is 1,270,000,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	Acreage allotment
Alabama	609
Florida	21,264
Georgia	101,925
North Carolina	664,695
South Carolina	116,748
Virginia	100,789
Reserve <sup>1</sup>	5,056

<sup>1</sup> Acreage reserved for establishing allotments for farms upon which no flue-cured tobacco has been grown during the past five years.

Done at Washington, D. C., this 26th day of November 1954. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 54-9528; Filed, Nov. 30, 1954;  
12:33 p. m.]



# Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

## Subchapter B—Sugar Requirements and Quotas

### PART 815—REQUIREMENTS RELATING TO THE MARKETING OF SUGAR AND LIQUID SUGAR PRODUCED FROM SUGAR BEETS AND SUGARCANE GROWN IN THE CONTINENTAL UNITED STATES

**Basis and purpose.** The regulations in §§ 815.1 through 815.9 issued pursuant to the Sugar Act of 1948, as amended, govern the handling of sugar or liquid sugar produced from domestic sugar beets and mainland sugarcane in relation to quotas and allotments established under sections 202 and 205 of that act, and the prohibitions set forth in subsections (b) and (d) of section 209 of that act. They also provide the method for exempting sugar produced from such beets or sugarcane from quotas when marketed pursuant to item (4) of section 212 of the Sugar Act of 1948, as amended.

These regulations apply to processors and refiners with respect to all sugar and liquid sugar they produce or refine from domestic sugar beets and mainland sugarcane. They also apply to any person who acquires such sugar or liquid sugar for the distillation of alcohol or for livestock feed or for the production of livestock feed. The provisions of Sugar Regulations 816 (7 CFR Part 816) and 819 (7 CFR Part 819) continue in effect with respect to sugar produced other than from domestic sugar beets or mainland sugarcane.

Prior to the issuance of the regulations in §§ 815.1 to 815.9 public notice (19 F. R. 6045) was given in accordance with the Administrative Procedure Act (60 Stat. 237) (5 U. S. C. 1003). The data, views and recommendations pertaining to the regulations in §§ 815.1 to 815.9 which were submitted have been duly considered within the limits permitted by the Sugar Act of 1948, as amended.

In accordance with the provisions of section 4 of the Administrative Procedure Act, §§ 815.1 to 815.9 shall become effective 30 days from the date of publication in the FEDERAL REGISTER.

Sec.	
815.1	Definitions.
815.2	When marketings occur.
815.3	Effect of marketings on quotas and allotments.
815.4	Restrictions on marketing.
815.5	Requirement for bonds.
815.6	Provisions of bond.
815.7	Records and reports.
815.8	Delegation of authority.
815.9	Application of these and prior regulations.

**AUTHORITY:** §§ 815.1 to 815.9 issued under sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies secs. 205, 209, 212; 61 Stat. 926, 928, 929; 7 U. S. C. Sup. 1116, 1119, 1122.

**§ 815.1 Definitions.** As used in this part:

(a) The term "act" means the Sugar Act of 1948, as amended (61 Stat. 922; 65 Stat. 318; 7 U. S. C. Sup. 1100).

(b) The term "person" means an individual, partnership, corporation, association, estate, trust or other business

enterprise or legal entity, and, wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(c) The term "mainland sugar" means sugar or liquid sugar, as defined in section 101 of the act, processed from sugar beets grown in the domestic beet sugar area, or from sugarcane grown in the mainland cane sugar area.

(d) The term "processor" means any person who manufactures "mainland sugar" as defined in this part or any person for whose account mainland sugar is manufactured by another person.

(e) The term "refiner" means any person who acquires mainland raw or liquid sugar from a processor for refining or otherwise improving the quality of such mainland sugar. (The same person may be both a "processor" and a "refiner").

(f) The term "Department" means the United States Department of Agriculture.

(g) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has delegated authority in this part to act in his stead.

(h) The term "quota" means any calendar year quota established in Part 811 of this chapter for the domestic beet sugar area or the mainland cane sugar area.

(i) The term "allotment" means the portion of a quota established for a processor in Part 814 of this chapter.

**§ 815.2 When marketings occur.** (a) Except as provided in paragraphs (b) and (c) of this section, mainland sugar shall be deemed to be marketed whenever pursuant to a contract of sale one of the following actions first occurs:

(1) The processor physically delivers mainland sugar to a buyer.

(2) The processor physically delivers mainland sugar to a carrier for shipment to a buyer.

(3) The processor endorses and delivers to a buyer a negotiable warehouse receipt issued by a public warehouseman or an order bill of lading issued by a public carrier covering mainland sugar.

(4) A public warehouseman issues and delivers to a buyer at the processor's request a warehouse receipt (negotiable or non-negotiable) or a warehouse delivery advice covering mainland sugar.

(5) The processor transfers and delivers to a buyer a non-negotiable warehouse receipt issued by a public warehouseman covering mainland sugar, and the warehouseman acknowledges to such buyer that he is holding such sugar for the account of such buyer.

(6) The processor and the buyer on or before December 31 of any year certify to the Secretary on a form prescribed by him that a specified quantity of mainland sugar in exclusive actual possession of the processor at the close of business on December 31 will be held for the account of the buyer and be physically delivered to the buyer or to a carrier for shipment to the buyer prior to March 1 of the year immediately following, and physical delivery (those actions described in subparagraph (1) or (2) not those in

subparagraph (3), (4), or (5) of this paragraph) is made prior to March 1.

(b) Mainland sugar used by the processor or caused to be used in activities under his control for food or feed or for the production or manufacture of food or feed or other articles for commerce shall be deemed to be marketed at the time that such use occurs.

(c) Mainland sugar principally not of crystalline structure (such as beet molasses) sold to a processor who is a refiner, and used for the production of sugar principally of crystalline structure or liquid sugar as defined in section 101 of the act, shall be deemed to be marketed when the crystalline sugar or liquid sugar so produced is first subject to one of the actions described in paragraphs (a) and (b) of this section.

**§ 815.3 Effect of marketings on quotas and allotments.** Each marketing, as provided in § 815.2, of mainland sugar shall be effective for the purpose of filling the applicable quota and allotment at the time it occurs except as follows:

(a) A marketing of mainland sugar under a bond accepted pursuant to § 815.5 for further processing, refining and storage shall be effective for the purpose of filling the applicable quota and allotment upon the release of the bond or at the time the Secretary determines that a default in a condition of the bond has occurred.

(b) A marketing of mainland sugar under a bond accepted pursuant to § 815.5 for the distillation of alcohol, or for livestock feed or for the production of livestock feed, shall be effective for the purpose of filling the applicable quota and allotment at the time the Secretary determines that a default in a condition of the bond has occurred.

**§ 815.4 Restrictions on marketing.** The quantity of mainland sugar marketed by a processor and effective during any calendar year for the purpose of filling his allotment as provided in § 815.3 shall not exceed the quantity determined in Part 814 of this chapter to be the allotment of such processor for that year. In the absence of allotments, when the Secretary determines and gives public notice that prior authorizations are required to prevent the quota determined in Part 811 of this chapter from being exceeded, a processor shall not market mainland sugar until authorized by the Secretary in writing.

**§ 815.5 Requirement for bonds.** Paragraphs (a) and (b) of § 815.3 shall not apply to marketing of mainland sugar unless the processor first makes application to and receives the approval of the Secretary on a form prescribed by the Secretary, and unless a bond satisfactory to the Secretary is furnished in the amount and subject to the conditions and provisions as provided in § 815.6.

**§ 815.6 Provisions of bond—(a) Principal and surety.** Only a refiner may be the principal on a bond for the purpose of further processing or refining and storage of mainland sugar. Any person to whom mainland sugar is marketed for distillation of alcohol, for livestock feed, or for the production of livestock feed may be the principal on a bond for such



purposes. The surety or sureties shall be among those listed by the Secretary of the Treasury as acceptable on Federal bonds.

(b) *Obligation.* The obligation under the bond shall not be less than the sum of the amounts applicable to all marketings of mainland sugar covered at any one time thereunder. The amount applicable to each marketing covered by a bond accepted under this part shall be the "spot" quotation (Cuban in bond equivalent) in New York per pound of raw sugar for consumption in the continental United States quoted by the New York Coffee and Sugar Exchange for the last business day before the date of request to the Secretary for approval of the marketing under the bond, multiplied by the weight in pounds of the sugar comprising each marketing; except that the amount applicable to each marketing of liquid sugar shall be computed upon the basis of the same price per pound, ascertained as heretofore stated in this paragraph, multiplied by the pounds of the "total sugar content", as defined in the act, of the sugar comprising each marketing.

(c) *Conditions.* Any bond furnished pursuant to this part shall be upon the following conditions:

(1) In the case of any application approved by the Secretary to market to the principal named in the bond a quantity of mainland sugar for refining and storage, the principal shall hold and store all of such quantity of mainland sugar, or an equivalent quantity, at the refinery where received until release thereof within the applicable quota or allotment is authorized by the Secretary.

(2) In the case of any application approved by the Secretary to market to the principal named in the bond a quantity of mainland sugar for the distillation of alcohol, the principal shall use for the distillation of alcohol, all of the quantity of mainland sugar specified in any such application within six months after the date of approval by the Secretary of such application, or within such extension of time thereafter as the Secretary may specify.

(3) In the case of any application approved by the Secretary to market to the principal named in the bond a quantity of mainland sugar for use as livestock feed or the production of livestock feed, the principal shall use for livestock feed or the production of livestock feed all of the quantity of mainland sugar specified in any such application within six months after the date of approval by the Secretary of such application, or within such extension of time thereafter as the Secretary may specify.

(4) Upon default in the applicable condition or conditions heretofore set forth, payment shall be made to the United States of a sum equal to three times the value (value to be ascertained in the manner prescribed in paragraph (b) of this section) of the quantity of mainland sugar covered by the bond marketed in excess of the applicable quota or allotment of the processor.

(d) *Duration of obligation under a bond.* Any bond furnished pursuant to this part shall provide that the obligation

thereunder will remain in full force and effect until the Secretary notifies the principal and surety of release thereof with respect to all quantities authorized by the Secretary thereunder during the period stated in the bond.

§ 815.7 *Records and reports.* (a) Each person subject to the provisions of this part shall keep and preserve, for a period of five years following the end of the calendar year in which the mainland sugar is marketed, an accurate record of the processings, receipts and marketings of mainland sugar. Upon request by any authorized employee of the Department, such records shall be made freely available for examination by such employee during regular working hours of any business day.

(b) Each person subject to the provisions of this part shall make application for authorizations provided for in this part and shall report information as and when required by the Secretary on forms specified by him and approved by the Bureau of the Budget under the Federal Reports Act of 1942.

§ 815.8 *Delegation of authority.* The Director or Deputy Director of the Sugar Division, or the Chief of the Quota and Allotment Branch thereof, Commodity Stabilization Service of the Department, is authorized to act for and on behalf of the Secretary in administering this part.

§ 815.9 *Application of §§ 815.1 to 815.9 and prior regulations.* The regulations in §§ 815.1 to 815.9 shall apply to mainland sugar, as defined in § 315.1, upon the effective date thereof, except that actions with respect to mainland sugar taken prior to such effective date and pursuant to Sugar Regulations 8.13 (13 F. R. 1076, 14 F. R. 466); 8.16 (14 F. R. 2163); and, 8.19 (13 F. R. 2063, 14 F. R. 466) shall be subject to and governed by such sugar regulations.

Done at Washington, D. C., this 24th day of November 1954. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 54-9427; Filed, Dec. 1, 1954;  
8:45 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 114]

#### PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

##### PROCEDURE ALTERATIONS

##### Correction

In F. R. Doc. 54-8895, appearing on page 7371, of the issue for Tuesday, November 16, 1954, make the following change: In the low frequency range procedures prescribed in § 609.6 for Hutchinson, Kans., the heading appearing over the columns 8, 9, and 10, which now reads "More than 3 engines" should read "More than 2 engines".

## TITLE 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

#### Subchapter C—Military Education

#### PART 542—SCHOOLS AND COLLEGES

##### MISCELLANEOUS AMENDMENTS

Sections 542.1 (a), 542.5, 542.8, 542.11 (b) (1) and (2) and 542.13 are revised to read as follows:

§ 542.1 *Military authority.*—(a) *Secretary of the Army.* All matters pertaining to the coordination and supervision of military instruction at institutions conducting military training under the provisions of section 55c of the National Defense Act (55c units) are vested in the Secretary of the Army. Specifically, the Assistant Chief of Staff, G-3 is charged with General Staff supervision of all matters relating to policy, instruction, training, establishment and inspection of military units at educational institutions. The Chief, Army Field Forces, is responsible for the implementation of General Staff training policies for the military training conducted under the provisions of the act of Congress cited above. The Adjutant General is the administrative agency of the Department of the Army for matters pertaining to 55c units.

§ 542.5 *Personnel.*—(a) *Instructors.* The institution will provide instructors to conduct the military training program. The Professor of Military Science and Tactics must be a retired or Reserve officer of the Army not on active duty if credit toward completion of the senior division ROTC is desired. Prior to the assignment of the Professor of Military Science and Tactics, the name and qualifications of the person desired, with a detailed history of military experience, will be submitted to The Adjutant General, Department of the Army, Washington 25, D. C., Attn: AGPB-O, for approval.

(b) *Other personnel.* Clerical personnel connected with the issue and accountability of Government property must be provided by the authorities of the institution.

§ 542.8 *Credit for training.* (a) Students who complete the military training course will be eligible to receive credit not to exceed the first year of the senior division ROTC, as determined by the Professor of Military Science and Tactics and the head of the senior division institution, provided the course was conducted under the direction of a Professor of Military Science and Tactics who is retired or Reserve officer of the Army not on active duty.

(b) Students who successfully complete the entire prescribed course of military training are entitled to a certificate of completion, DA Form 254 (Military Training Certificate). Students who do not complete the prescribed course of training may be presented a certificate, in letter form, stating the amount of military training received.



§ 542.11 *Government property.* \* \* \*

(b) *Lost, destroyed, or damaged.* (1) Government property which becomes unserviceable through fair wear and tear incident to the proper and authorized use of such property will be replaced or repaired at the expense of the United States. Such property may be dropped from the institutions accountability on an approved DD Form 200 (Report of Survey). However, should the approved Form 200 direct the shipment of the unserviceable property to a United States Army depot, arsenal, or installation, a copy of the report of survey authorizing the shipment will be attached to the shipping document by the consignor when making such shipment. In this case, the retained copy of the shipping document supported by a copy of report of survey will constitute the credit voucher.

(2) Government property lost, destroyed, or damaged by fire, flood, theft, tornado, or other similar causes, without fault or neglect on the part of the institution, its servants, or employees, or any member of its student body receiving military training, will be replaced at the expense of the United States, except when the institution has insurance coverage against such losses. To determine whether such loss, destruction, or damage was without fault or neglect on the part of the institution, its servants or employees, or members of its student body receiving military training, a survey will be made as provided in AR 735-150 (Accounting for lost, damaged, and destroyed property). The surveying officer will be appointed by the army commander.

§ 542.13 *Property.* The issue of property under the authority of section 55c, National Defense Act as amended, is limited to that specified in paragraphs (a) and (b) of this section, unless additional equipment is authorized by the Department of the Army.

(a) *Arms and equipment.* The following arms and equipment are designated for issue to educational institutions under the provisions of paragraph 1, the model depending upon available supply:

(1) One rifle (complete), to include 1 oiler and thong case, 1 brush and thong and 1 gun for each student undergoing military training.

(2) One gallery practice rifle, caliber .22, and necessary appendages for every 25 students participating in gallery practice with a minimum of 10 rifles, caliber .22, per institution.

(3) *Miscellaneous:*

For each 2 rifles, 1 screwdriver.

For each 8 rifles, 1 cleaning rod.

For each 20 rifles, or major fraction thereof, 1 rack, rifle, combination, M1920.

(b) *Spare parts and cleaning materials.* First and second echelon.

[AR 350-250, June 3, 1954] (41 Stat. 790; 10 U. S. C. 1180, 1181)

[SEAL]

JOHN A. KLEIN,  
Major General, U. S. Army,  
The Adjutant General.

[F. R. Doc. 54-9514; Filed, Dec. 1, 1954; 8:46 a. m.]

## Subchapter D—Military Reservations and National Cemeteries

## PART 552—REGULATIONS AFFECTING MILITARY RESERVATIONS

## INSTALLATION COMMANDER; GENERAL DUTIES

Section 552.18 is rescinded and the following substituted therefor:

§ 552.18 *General duties*—(a) *Purpose.* This section outlines the duties and prescribes the general authority and general responsibility of an installation commander.

(b) *Installation.* The term "installation" includes an arsenal, post, camp, depot, port, fort, hospital, Army Reserve training center, or any other activity at which the duties or functions prescribed in this section are required or performed.

(c) *Entry and exit, traffic regulations, and personal search.* The installation commander may establish appropriate rules governing the entry of persons upon and exit from the installation, the regulation of traffic upon the installation, and the search of persons as limited by this paragraph. He may direct the authorized guard personnel, while in the performance of assigned duty, to search employees and visitors entering or leaving facilities over which the Army has responsibility for continuing protection, if such search is reasonably necessary to protect national defense material, national defense premises, and national defense utilities from loss, injury, or destruction. Because of the important constitutional questions involved, however, the instructions of commanders regarding such searches should be specific and complete. As a minimum, for example, guards should be instructed that an incoming person may not be searched over his objection but may merely be denied the right to enter the facility, and all persons who enter should be advised in advance (a notice prominently displayed will suffice) that they are liable to search upon departure.

(d) *Competition with civilian enterprises.* (1) The installation commander is charged with the responsibility that no military member of his command will be detailed, ordered, or permitted to leave his installation to engage in any pursuit, business, or performance in civil life, for emoluments, hire or otherwise, when it will interfere with the customary employment and regular engagement of local civilians in the respective arts, trades, or professions.

(2) He will prohibit the use of military personnel or civilian employees of the Army, during normal working hours, in conducting cooperatives which operate in competition with civilian enterprises. The provisions of this paragraph are not applicable to members of the reserve components who are not on active duty and who are not employees of the Army.

(e) *Solicitation.* Solicitation on installations will be permitted at the discretion of the installation commander, so long as solicitors comply with regulations promulgated by the installation commander and do not interfere with essential military activities. Lists of members of the command, or personal information pertaining to such members

or their families, will not be furnished to commercial enterprises or individuals engaged in commercial pursuits if there is any reason to believe such information will be used for purposes of solicitation. Solicitation of commercial life insurance will be in accordance with the provisions of AR 600-101 (Army regulations pertaining to commercial life insurance solicitation).

(f) *Publication of telephone directories.* (1) An official military telephone directory will be published for use at all military installations served by an administrative telephone system. No commercial advertisement will be permitted in an official telephone directory. All telephone directories will be published under the supervision and control of the appropriate installation commander. They will not be procured through nor printed by any commercial publisher who, for the privilege of soliciting advertising, or printing and distributing them, offers to supply them free or at a reduced rate. Furnishing to a nonmilitary activity, for private gain, a list of Army personnel, together with their telephone numbers, residences, or other pertinent data which should be closely controlled or classified, is not authorized.

(2) Installation commanders will not enter into any written or oral agreements concerning publication of unofficial telephone directories or listings. The installation commander may, however, permit the circulation of commercial telephone directories or similar listings published by private concerns, provided that such directories or listings do not express or imply sponsorship or approval by the Army of products which may be advertised therein, or the publications are not objectionable for any other reason.

(g) *Observance of labor laws on military installations.* (1) Installation commanders will obtain assurances that employees on installations and reservations comply with Federal and State or other governmental labor laws which normally would apply but for the fact that the area is under Federal jurisdiction. Appropriate measures will be taken to insure that the standards prescribed by law are maintained in the employment of personnel by all activities at military installations or reservations. These activities include concessionaires, messes, military and civilian clubs, commissary stores, exchanges, motion picture theaters and recreational services, and groups engaged in the sale and distribution of newspapers and candy.

(2) Installation commanders will extend full cooperation to State or other governmental officials who bring to their attention complaints that the employment of children on military installations or reservations is under conditions detrimental to their health, education, or well-being.

(h) *Young Men's Christian Association.* (1) At installations where Young Men's Christian Association buildings have been constructed pursuant to the act of May 31, 1902 (32 Stat. 282; 10 U. S. C. 1346) the Young Men's Christian Association will be permitted to continue to conduct theretofore helpful physical, intellectual, and nonsectarian religious activities. The installation commander will



assist and facilitate these activities in such ways as he may deem appropriate and desirable.

(2) Duly appointed secretaries of the association serving at such installations will be permitted to purchase from the quartermaster such available supplies as are necessary for use in connection with official activities.

(i) *Employment of civilian mess personnel.* (1) In units stationed outside the continental United States, except United States possessions and Territories, the employment and payment from appropriated funds of civilians is authorized in field ration messes, fixed bakeries, and in central meat cutting plants under the following conditions:

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

(ii) In field ration messes, such personnel will be used only as dishwashers, kitchen police, and other personnel who do not perform duties as cooks or cook's helpers (except civilian cooks and cook's helpers may be used in TD units).

(iii) At fixed installations, civilian bakers and meat cutters may be employed to assist in the operation of central bread bakeries, pastry kitchens and meat cutting plants provided the key positions in each such facility are staffed with military personnel.

(2) The employment and payment of civilian mess attendants from voluntary contributions are not authorized in Army messes of units stationed within the continental United States.

(3) Civilians may not be employed as mess attendants in enlisted messes (field ration and garrison) or in officers' field ration messes in the continental United States except under the following conditions:

(i) In class I installations, including class II activities thereat, the approval of the commander of the major command in each instance must be obtained.

(ii) In class II installations, the approval of the head of the appropriate administrative or technical service must be obtained.

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

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

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

(vi) Civilian mess attendants are to be used only as kitchen police, dining room orderlies, or dishwashers. At no time are they to be used as cooks, bakers, or meat cutters.

(vii) The conditions of this subparagraph are not applicable to the employment of civilian food handler personnel at hospital messes operated pursuant to pertinent directives of The Surgeon General.

[AR 210-10, June 8, 1954] (R. S. 151; 5 U. S. C. 22)

[SEAL]

JOHN A. KLEIN,  
Major General, U. S. Army,  
The Adjutant General.

[F. R. Doc. 54-9500; Filed, Dec. 1, 1954; 8:45 a. m.]

## Chapter VI—Department of the Navy

### Subchapter C—Personnel

#### MISCELLANEOUS AMENDMENTS

In Subchapter C, Chapter VI, Title 32, the following changes are made:

1. In Part 711, §§ 711.306, 711.604, and 711.1002 are revised.
2. Part 713 is revised.
3. In Part 716, § 716.2 is amended.
4. In Part 718, § 718.4 is amended.

By direction of the Secretary of the Navy.

IRA N. NUNN,

Rear Admiral, United States  
Navy, Judge Advocate General  
of the Navy.

NOVEMBER 24, 1954.

#### PART 711—NAVAL RESERVE OFFICERS' TRAINING CORPS

##### CONDITIONS OF SERVICE

§ 711.306 *Medical examinations.* (a) Initial examinations: (1) Each applicant for enrollment in the Contract NROTC program will be first examined to determine his physical qualifications. Standard Form 88 in duplicate and one copy of Standard Form 89 shall be forwarded to the Chief of the Bureau of Medicine and Surgery via the Chief of Naval Personnel as soon as practicable and no later than 60 days after commencement of the academic year. Physical examinations conducted within 90 days prior to enrollment are acceptable, provided they have been for the purpose of enrollment into the NROTC.

(2) Entering Regular students need not be physically examined upon arrival, inasmuch as their physical qualifications will have already been established. The first medical examination after enrollment will be that required on the first annual examination. Regular students reporting with known physical defects should not be appointed until the clinical significance of the defect has been evaluated by the Chief of the Bureau of Medicine and Surgery.

(b) Annual medical examination: The Professor of Naval Science shall require each student enrolled in the NROTC except Contract freshmen, to be physically examined during the period January-April of each year. Standard Form 88 in duplicate, and one copy of Standard Form 89 shall be forwarded as in paragraph (a) of this section. Each copy of the Standard Form 88 and 89 shall contain the student's file number. The Standard Form 88 of each student with an upper level designator will be clearly marked "Supply Corps or Marine Corps Science" as appropriate. The pre-commissioning examination required in paragraph (g) of this section will serve as the annual physical examination for students graduating prior to 1 November in any calendar year. Contract students who apply for the Regular program need not receive a separate annual examination. The Professor of Naval Science shall advise the Bureau of Naval Personnel as to the students examined in this category.

(c) Health records shall be opened for both Contract and Regular students during their first year in the program. (See § 711.1002.)

(d) Vaccinations and inoculations: At the time of the annual medical examinations, appropriate vaccinations and inoculations shall be given to all students expecting to participate in summer training.

(e) Serologic test for syphilis shall be administered to each Regular and Contract student during the enrollment physical examination. The test will likewise be performed as part of the pre-commissioning physical examination. No test need be made during the annual physical examination unless the individual suspects or presents clinical evidence of venereal disease, or a history thereof.

(f) Roentgenographic examination of the chest will be performed as part of each enrollment, annual, and pre-commissioning examination of all Regular and Contract students.

(g) Graduating students must be given their pre-commissioning medical examination at least 90 days, and in no case more than 180 days prior to commissioning. As indicated in paragraph (b) of this section the pre-commissioning medical examination for certain graduates will also serve as the annual medical examination. Candidates for appointment in the Regular Navy shall be examined by two medical officers, and, if available, one dental officer. Examination before a statutory board of medical examiners in the field, together with the preparation of a formal set of findings is no longer required. The examination shall be in accordance with the provisions of the Manual of the Medical Department. Standard Form 88 in duplicate and one copy of Standard Form 89 shall be prepared and forwarded as in paragraph (a) of this section, and shall include the report of both serological and roentgenographic examination. The purpose of the medical examination shall be clearly indicated on the Standard Form 88 as appropriate, i. e., "Appointment to Commissioned Rank as Ensign, line (or SC or CEC) in the U. S. Navy (or U. S. Naval Reserve)."

(h) The visual standards for original enrollment in either the Regular or Contract NROTC is 20/20 in each eye, uncorrected. The Professor of Naval Science shall recommend any NROTC student for disenrollment whose vision in either eye falls below 20/40, except those specifically designated for a staff corps appointment. Any student whose vision drops below 20/100 in either eye shall be recommended for disenrollment. In every case where a student presents visual acuity below 20/20 which is not fully correctable to 20/20, he shall be recommended for disenrollment.

(i) Disposition of physically disqualified: Students not meeting physical standards shall be recommended for disenrollment as prescribed in § 711.307.

(j) Administration of the medical examination: Attention of all medical examiners shall be directed to the importance of proper reporting of all findings. Early determination of physical qualifications for all applicants is necessary to avoid the necessity of certain disqualified students obligating themselves to more than one semester of Naval Science.



(k) Requests for additional information: It is necessary to request additional clinical information to establish the physical qualifications of certain candidates. Such requests shall be processed by the Professor of Naval Science within 30 days, unless justifiable delays are reported to the Chief of Naval Personnel. Requests for additional information resulting from the annual medical examination shall be forwarded to the cruise commander or student's home address, if received during the summer months.

(l) Assistance: The Professor of Naval Science shall request from the Commandant of the Naval District whatever medical or dental assistance required for carrying out any of these medical examinations. Commandants shall prepare itineraries to insure early assignment of examining teams to the NROTC units as requested, forwarding copies to the Bureau of Naval Personnel, Pers-B6241.

#### MARINE CORPS

§ 711.604 *Clothing*—(a) *Issuance of Navy clothing*. Marine Corps candidates for commission will be issued articles of clothing normally issued to all other NROTC students for duty at the NROTC Unit.

(b) *Issuance of Marine Corps clothing*. Prior to graduation and acceptance of appointments in the Marine Corps or Marine Corps Reserve, Marine Corps candidates will be issued gratuitously, from stock, the below listed items of uniform, as appropriate to the season when commissioned, regardless of any uniform gratuity received:

- 1 cap, garrison, tropical.
- 2 shirts, garrison, tropical.
- 2 trousers, garrison, tropical.
- 1 ornaments, collar, bronze, pair.
- 1 ornament, collar, bronze, left.
- 2 neckties, service.
- 1 shoes, low quarter.
- 2 socks, wool, light weight, pair.
- or
- 1 cap, garrison, winter.
- 1 coat, wool, green, M-1951.
- 1 ornaments, collar, bronze, pair.
- 1 ornament, collar, bronze, left.
- 2 neckties, service.
- 2 shirts, cotton, khaki.
- 1 shoes, low quarter, pair.
- 2 socks, wool, light weight, pair.
- 1 trousers, wool, green.

#### NROTC FORMS AND REPORTS

§ 711.1002 *Forms and reports*. The forms and reports listed in this section, in many cases peculiar to an officer candidate training program, are required in the administration of the NROTC, and will be in addition to the reports normally required of the commanding officers of all naval stations.

(a) *Enrollment of regular students*. The application file for all Regular students are commenced during initial processing, and are forwarded to the Bureau of Naval Personnel by the Professor of Naval Science at the time of appointment to the grade of Midshipman. The completed application file forwarded to the Bureau, Pers-B6241, shall contain the following forms, assembled in the order indicated and shall be received no later than 1 November:

- (1) Application Control and Processing Record, NavPers 989.
- (2) High School Record, NavPers 923. (May be retained in files of PNS.)
- (3) College transcript, if applicable. (May be retained in files of PNS.)
- (4) Acceptance and Oath of Office, NavPers 339—Original.
- (5) Fingerprint Record, DD 369N—Original.
- (6) Deferment Agreement, NavPers 1406—Original.
- (7) Application for NROTC, NavPers 912—Original.
- (8) Contract for Regular Students, NavPers 917—Original.
- (9) Birth Certificate, or photostatic copy.
- (10) Evidence of Citizenship, NavPers 915, if necessary—Original.
- (11) Photostatic copy of discharge from any of the Armed Forces, if necessary.
- (12) Loyalty Certificate, DD 98—Original.
- (13) Program Information Requirement Sheet, NavPers 588—Original.
- (14) Report of Medical Examination, Standard Form 88, with endorsement of the Chief of the Bureau of Medicine and Surgery, or letter endorsement, if appropriate.
- (15) Record of Emergency Data, DD 93—Original.
- (16) Assignment to Ready Reserve—1 copy.

(b) *Enrollment of contract students*. The completed application files for all Contract students shall be completed and forwarded to the Bureau of Naval Personnel, Pers B6241, in the following order, no later than two months following enrollment:

- (1) Fingerprint Record, DD 369N—Original.
- (2) Application Control and Processing Record, NavPers 989.
- (3) Application for NROTC, NavPers 912—Original.
- (4) Contract for Contract Students, NavPers 918—Original.
- (5) Birth Certificate, or photostatic copy.
- (6) Evidence of Citizenship, NavPers 915, if necessary—Original.
- (7) Photostatic copy of discharge from any of the Armed Forces, if necessary.
- (8) Deferment Agreement, NavPers 1406—Original.
- (9) Loyalty Certificate, DD 98—Original.
- (10) Program Information Requirement Sheet, NavPers 587—Original.
- (11) Record of Emergency Data, DD 93—Original.

(c) *Health records*. Health records shall be opened and maintained for NROTC students as follows:

- (1) Standard Form 88 in triplicate and Standard Form 89 in duplicate shall be prepared by the processing recruiting station for Regular applicants and by the medical examining teams for Contract applicants. A signed copy of each form to be inserted in the Health Record shall be clearly marked "For Health Record." In the case of Regular applicants the forms will be forwarded to the appropriate Professor of Naval Science by the cognizant recruiting station subsequent to selection. Upon actual enrollment in the program, the remainder of the Health Record, with the exception of Standard Form 603, shall be opened by the Professor of Naval Science.
- (2) The Health Record for active duty enlisted personnel appointed to the Regular NROTC will be forwarded to the appropriate Professor of Naval Science by the separation activity.
- (3) In the event a student enrolled in either program holds an inactive status in a reserve component, the Professor of Naval

Science shall request the member's Health Record from the Commandant of the cognizant Naval District or the Director of the Marine Corps Reserve District as appropriate.

(4) Standard Form 603 shall be prepared in the case of each NROTC graduate at his first active duty station, following commissioning.

(5) Upon the disenrollment of any student, other than a Contract student having an enlisted status in a reserve component the Professor of Naval Science shall terminate the Health Record on Standard Form 600, citing the reason and authority for such action, and forward the Health Record to the Bureau of Medicine and Surgery. Health Records for those students retaining an enlisted status shall be forwarded to the Commandant of the cognizant Naval District with appropriate notations.

(6) The Health Record of each newly commissioned officer who is ordered to active duty upon graduation shall be delivered to the officer for further delivery to his new duty station. In the case of a Reserve officer not ordered to immediate active duty, the Health Record shall be forwarded to the Commandant of the cognizant Naval District or Director of Marine Corps Reserve District as appropriate, for custody.

#### (d) Disenrollment.

(1) Naval Training Course Certificates, NavPers 368. Issued by the Professor of Naval Science to students who have successfully completed courses in Naval Science, to NROTC students disenrolled from units under honorable conditions before graduation, or to graduates ineligible for commissioning.

(2) NROTC Student Disenrollment Report, NavPers 364. Submitted, in duplicate, to the Bureau of Naval Personnel, Pers-C124, by the Professor of Naval Science for each NROTC student disenrolled or recommended for disenrollment. (§ 711.307.)

#### (e) Commissioning. (See § 711.312.)

(1) The NROTC Roster for Graduating Students, NavPers 533, shall be forwarded as directed in current directives.

(2) The Application Control and Processing Record, NavPers 989, shall be forwarded in accordance with current directives, and no later than 90 days prior to the anticipated appointment date. The following forms will accompany the NavPers 989:

(i) Standard Form 88 in duplicate. (See Section 711.306.)

(ii) Standard Form 89.

(iii) Application for commission in a staff corps. (See Section 711.312, and current directives.)

(iv) Application for commission in the Marine Corps or Marine Corps Reserve, to be submitted on appropriate form, to the Commandant of the Marine Corps, via the Chief of Naval Personnel.

(See §§ 711.313, 603, and current directives.)

(3) Class Standing of NROTC Students Commissioned, NavPers 391. Submitted, in duplicate, to the Bureau of Naval Personnel, Pers-C124, as soon as practicable after commissioning, in accordance with current directives (§ 711.314, 509).

(4) Officer Service Record, NavPers 3021. To be prepared in accordance with BuPers Instruction 1085.19 dtd 31 March 1953.

(5) (NavPers 318) Training School Report. One duplicate copy to be submitted as soon as possible after commissioning to the Bureau of Naval Personnel, Pers-B112 or to the Commandant of the Marine Corps, as appropriate.

(6) (NavPers 309) Officer Qualification Questionnaire. Original to be submitted as



soon as possible after commissioning to the Bureau of Naval Personnel, Pers-B112, or to the Commandant of the Marine Corps, as appropriate.

(7) (NavPers 16722-16726) Officer Classification Battery. To be submitted to the Bureau of Naval Personnel, Pers B112 in accordance with current instructions.

#### (f) Periodic.

(1) Report of Medical Examination, SF 88. (See § 711.306.)

(2) Report of Medical History, SF 89. (See § 711.306.)

(3) NROTC Roster of Contract Students, NavPers 513, in quintuplicate, within TWO MONTHS of the date of enrollment, to the Bureau of Naval Personnel, Pers B6241.

(4) Military Status of Individual, DD 44. Submitted to appropriate Local Selective Service Board upon enrollment of all students.

(5) Letter report in triplicate listing all Regular students accepting appointment as Midshipmen. Submitted to the Bureau of Naval Personnel, Pers B6241, within five days of appointment.

(6) Letter report in duplicate listing all Regular students who do not report for appointment as Midshipmen, to include all details. Submitted to Pers B6241 as appropriate.

(7) Letter report notifying receipt of all Regular NROTC application files from cognizant recruiting station. Submitted prior to 15 October.

(8) Letter report recommending appropriate changes to "Handbook, NROTC Colleges and Universities, Requirements for Admission and Courses of Study." Submitted to the Bureau of Naval Personnel prior to 1 June.

(9) Letter report in duplicate listing enrollment date of all colleges. Submitted to the Bureau of Naval Personnel prior to 15 July.

(10) Subsistence Roll, NavPers 384. Submitted monthly. (§ 711.703)

(11) Subsistence Roll, memorandum copy, NavPers 384a.

(12) Monthly Change of Status Report, NavPers 1931. Submitted monthly to the Bureau of Naval Personnel, Pers C124, in accordance with current directives.

(13) Annual Return of Books, NavPers 381. Submitted to the Bureau of Naval Personnel, Pers C124, on 31 March. (§ 711.908)

(14) NROTC and NACP Information Register, NavPers 1918A. Submitted annually to the Bureau of Naval Personnel, Pers C124, in accordance with current directives.

(15) Plant Property Inventory. Submitted every three years. (§ 711.908)

(16) University Catalogue or Announcements of Individual Colleges. Submit three copies to the Bureau of Naval Personnel, Pers C124 when published.

(17) NavOrd 1744 B General Ammunition Report. Submitted annually on 30 June, to the Chief of the Bureau of Ordnance.

(18) (Small Arms-Sheet 1) Report of Small Arms Practice. Submitted annually, on 30 June, to the Chief of Naval Operations.

(19) Roster of Officers, NavPers 353. One copy submitted monthly to the Bureau of Naval Personnel, Pers C124, indicating in column 10 thereof, the Naval Science courses which each officer is currently teaching.

#### (g) Miscellaneous.

(1) Report of Commission withheld with return of all commissioning papers to Pers B6241. (§ 711.312)

(2) Request for transfer between NROTC Units. (§ 711.308)

(3) Application for Extension of Time to Complete Academic Requirements. (§ 711.311)

(4) Report of Substitution of College Course for NROTC Course. (§ 711.504)

(Sec. 22, 43 Stat. 1276, as amended; 34 U. S. C. 821)

### PART 713—NAVAL RESERVE

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AUTHORITY: §§ 713.1 to 713.544 issued under sec. 9, 52 Stat. 1177, as amended; 34 U. S. C. 853g. Interpret or apply secs. 2, 3, 45 Stat. 1090, as amended, sec. 1, 46 Stat. 375, 46 Stat. 556, as amended, sec. 4, 54 Stat. 864, as amended, 1023, sec. 1, 55 Stat. 43, as amended, 759, as amended, sec. 4, 56 Stat. 464, 737, as amended, 1066, 60 Stat. 854; 34 U. S. C. 751a-773, 841a-858c.

## SUBPART A—CONTROL, PLANS, AND ORGANIZATION

## CONTROL

§ 713.1 *Mission.* The mission of the Naval Reserve is to provide trained units and qualified individuals to be available for active duty in time of war or national emergency, and at such other times as the national security may require, to meet the requirements of the Naval Establishment in excess of the Regular component during and after the period needed for procurement and training of additional trained units and qualified individuals to achieve the planned mobilization.

§ 713.2 *Chief of Naval Operations.* The Naval Reserve as a component of the Navy shall be organized, administered, trained, and supplied under the direction of the Chief of Naval Operations. The offices and bureaus of the Navy shall hold the same relation and responsibility to the Naval Reserve as they do to the Regular Navy.

§ 713.3 *Chief of Naval Personnel.* (a) The Chief of Naval Personnel is charged with the recruitment, instruction, training (less aviation, medical, and dental), discipline, and distribution of personnel of the Naval Reserve and with their organization, administration, and mobilization. Accordingly, the principal duties of the Chief of Naval Personnel relative to the Naval Reserve may be enumerated as follows:

(1) Within the restrictions imposed by the Basic Naval Establishment Plan, determines the number of personnel in the Ready, Standby, and Retired Reserve and establishes ceilings and allowances for the various types of training within the Reserve Program.

(2) Prescribes the details of training (less aviation, medical, and dental), for units and individuals and the procedures to be followed.

(3) Supervises appointments, enlistments, reenlistments, promotions, advancements, discharges, and retirements.

(4) Provides for transfer between the various categories.

(5) Supervises ordering reservists to and from active duty and active duty for training.

(6) Maintains service records of reservists.

(7) Maintains statistics and records of the drilling and training activities of the various programs.

(8) Supervises the procurement of training centers and equipment for shore instruction (except aviation).

(9) Determines the amount of money required from year to year for the Naval Reserve, presents appropriate budgets, and is responsible for such expenditures.

(10) Publishes from time to time the policies and procedures to be followed in the training and administration of reservists.

§ 713.4 *Commandants, the Chief of Naval Air Reserve training, and overseas area and force commanders.* (a) Commandants, Chief of Naval Air Reserve Training, and area and force commanders under the supervision of the Chief of Naval Personnel and other Bureaus and offices concerned, are charged with the enlistment, training, and administration of reservists under their jurisdiction in order to insure the readiness of the Naval Reserve for utilization in time of war or national emergency or such other time as the national security may require. The various activities of the headquarters' staffs shall perform appropriate functions for the Naval Reserve in the same manner as for the Regular Navy.

(b) Reservists residing in the area of the Severn River Naval Command are under the jurisdiction of the Commandant, Potomac River Naval Command, or the Chief of Naval Air Reserve Training, as appropriate.

(c) Jurisdiction over reservists residing in areas not listed above will be prescribed in directives issued by the Chief of Naval Personnel.

§ 713.5 *Commanding officers of Naval Reserve units.* (a) Each Naval Reserve unit shall be administered by its commanding officer in accordance with instructions of the cognizant commandant or comparable administrative authority and the rules and regulations set forth in this part and in other departmental publications and directives.

(b) The administrative duties required of commanding officers include matters with respect to maintenance of required records, submission of required reports, and the discipline, training, and welfare of personnel under their command.

§ 713.6 *Naval Reserve Policy Board.* (a) For the purpose of considering, recommending, and reporting to the Secretary of the Navy on Naval Reserve policy matters, there shall be convened at least annually at the Navy Department, a board to be known as the Naval Reserve Policy Board. At least half of the members of the board shall be reserve officers in an active status assigned to this duty from inactive duty.

(b) At least one-third of the members of this board who are Naval Reserve personnel on inactive duty shall be replaced each year. Personnel shall be selected for this duty with a view to equitable



representation on the board of the various designators, grades, and ratings of the Naval Reserve from all sections of the continental United States. Alternate members shall be appointed, the same principles being observed in their selection, in order that routine and unexpected vacancies may be filled from a list of personnel who have had full opportunity to prepare themselves for this important duty.

(c) Consideration shall be given by the Naval Reserve Policy Board to problems affecting officer and enlisted personnel of the Naval Reserve. Any member of the Naval Reserve or Regular Navy may submit matters directly to the Naval Reserve Policy Board for consideration. Questions to be placed on the agenda for the sessions of the board shall be submitted, as they arise, to the various members and alternates for their preliminary study.

(d) The Chief of Naval Personnel will determine the date on which the board shall be convened and will prescribe its organization and make other necessary arrangements with relation thereto.

#### INSPECTIONS

##### § 713.11 Purpose and responsibility.

(a) The purpose of the inspection of Naval Reserve activities is to determine the degree of preparedness of the Naval Reserve to meet requirements in the event of war or national emergency.

(b) The Chief of Naval Personnel is responsible for the inspection of all activities of the Naval Reserve, except those Naval Reserve aviation activities under the cognizance of the Chief of Naval Air Reserve Training.

(c) Each commandant is responsible to the Chief of Naval Personnel for the inspection of all Naval Reserve activities under his supervision, and will promulgate the necessary instructions.

(d) Inspections of Naval Reserve aviation activities under the supervision of the Chief of Naval Air Reserve Training are performed in accordance with instructions prescribed by the Deputy Chief of Naval Operations (Air).

##### § 713.12 Composition of and assignment to Naval Reserve inspection boards.

(a) Naval Reserve inspection boards shall include a senior inspection and reviewing board, known as the National Naval Reserve Inspection Board, convened within the Bureau of Naval Personnel; district Naval Reserve inspection boards, convened in each naval district and river command; and such additional inspection boards as the Deputy Chief of Naval Operations (Air) may establish for the inspection of Naval Reserve aviation activities.

(b) The National Naval Reserve Inspection Board shall consist of as many officers as are required to perform its functions, including sub-boards for special programs. At least 3 members of this board, including the senior member, shall be officers of the Regular Navy. Staff corps and special activities, such as electronics, intelligence, and submarines, should be represented on the board.

(c) The district Naval Reserve inspection boards shall be similar in composition to the National Naval Reserve In-

spection Board. The assignment of qualified Naval Reserve officers as members of district boards is recommended, but the senior member of the board shall always be a line officer of the Regular Navy.

(d) Members of the National Naval Reserve Inspection Board will be ordered to this duty by the Chief of Naval Personnel. Chiefs of bureaus and heads of offices in the Navy Department shall be consulted as to the assignment to this board of officers to represent the bureaus and offices concerned. Members of district Naval Reserve inspection boards shall be assigned by the commandant concerned.

§ 713.13 Procedure for national Naval Reserve inspections. (a) The Chief of Naval Personnel will promulgate procedures and instructions for the conduct of inspections of Naval Reserve activities.

(b) The National Naval Reserve Inspection Board shall prepare and submit annually to the Chief of Naval Personnel a report of its activities, which shall include comments on the state of training and preparedness of the Naval Reserve. The Chief of Naval Personnel will transmit this annual report with appropriate recommendations to the Secretary of the Navy via the Chief of Naval Operations.

(c) The National Naval Reserve Inspection Board shall review the reports of inspections conducted by the commandants in accordance with the provisions of § 713.14 and shall make comments and recommendations thereon to the Chief of Naval Personnel.

##### § 713.14 Duties of district Naval Reserve inspection boards.

(a) District Naval Reserve inspection boards shall conduct annual inspections of all organizations of the Naval Reserve except activities located in areas remote from Naval Reserve training centers, and activities whose composition, size, infrequency of meetings, and other characteristics, as determined by commandants, render a formal inspection unwarranted.

(b) A separate report shall be made on each organization inspected. Such reports shall be submitted to the commandant concerned, who will forward a copy to the Chief of Naval Personnel. A copy of the report shall be supplied to the commanding officer of the organization inspected, and in the case of organizations restricted to a specialty, such as communications, intelligence, and medical and dental, to the head of the office or bureau concerned with the specialty. In making their reports, district boards shall take into consideration an analysis of the reports of cruises and active duty for training conducted by the various organizations and the degree of conformity with prescribed training syllabi.

#### PERSONNEL PLANNING

§ 713.21 Strength determination. Subject to limitations imposed by higher authority on the authorized numerical strength of the Naval Reserve, the Chief of Naval Personnel will submit, not less than once annually to the Secretary of the Navy for final determination, the numbers of officers and enlisted person-

nel to be authorized in the various ranks, grades, and ratings to meet mobilization requirements. No member of the Naval Reserve shall be involuntarily reduced in his permanent rank, grade, or rating as a result of such a determination.

§ 713.22 Allowances and quotas. The Chief of Naval Personnel will publish allowances and quotas for personnel of the Naval Reserve as defined below:

(a) "Allowance" is the number of personnel by grade and designator or rating authorized to be attached to pay units of the Naval Reserve and required to attend regular drills and to perform 14 days' active duty for training with pay annually.

(b) "Allowed quota in associate status" is the number of personnel authorized to be associated in pay and non-pay status with pay units of the Naval Reserve and required to attend regular drills. Personnel associated in pay status are required to perform 14 days' active duty for training with pay annually. Personnel associated in non-pay status may be authorized to perform 14 days' active duty for training with or without pay within the quota authorized in subparagraph (c) of this section.

(c) "Allowed quota for active duty for training" is the number of personnel in pay status that may be ordered to 14 days' active duty for training by commandants or the chief of Naval Air Reserve Training. Pay status includes the following:

1. Reservists attached to pay units.
2. Reservists associated with pay units in drill pay status.
3. Reservists attached to non-pay units in drill pay status.
4. Reservists in appropriate duty drill pay status.

Within the limits of available funds, quotas for active duty for training with pay may be authorized by the Chief of Naval Personnel for reservists in a non-pay status.

(d) "Allowed quotas for non-pay units": Quotas and qualifications of personnel authorized in non-pay units of the Naval Reserve will be prescribed in current directives.

§ 713.23 Tables of organization. (a) Tables of Organization for the Naval Reserve will be promulgated by the Chief of Naval Personnel at the beginning of each fiscal year and shall make provision for the following general items:

- (1) Number, frequency, and type of regular drills authorized for each program on annual, quarterly, and monthly basis.
- (2) Number of days of active duty for training with or without pay authorized for members attached to or associated with units for members of the Appropriate Duty Pay Pool, and for members of the Active Status Pool.
- (3) Number of periods of equivalent instruction or duty authorized by program on annual, quarterly, monthly, and weekly basis.
- (4) Number of periods of appropriate duty authorized with or without pay.
- (5) Authorization of extra compensation for commanding officers of pay



units for the satisfactory performance of administrative duties.

(6) Authority for activating and deactivating programs and units, and changing the authorized strength of units.

(b) Pay program: The number of units with location, type of unit, and number of personnel authorized in each pay program shall be specified in the Tables.

(c) For the non-pay program the following items shall be specified:

(1) Number of drills with pay authorized for commanding officers, administrative officers, training officers, and assistant training officers of non-pay units.

(2) Number of personnel in pay status for each district.

(3) Requirements which must be met by the units to justify the pay billets assigned.

(4) Programs authorized to establish non-pay units.

#### OBLIGATED SERVICE, CATEGORIES, AND STATUS OF MEMBERS

§ 713.31 *Obligated service.* (a) Each male person who, subsequent to 19 June 1951, is initially enlisted, appointed, or inducted in the naval service including the Naval Reserve prior to attaining the 26th anniversary of his birth shall be required to serve in active service in the Navy and/or in active status in the Naval Reserve for a total period of 8 years, unless sooner discharged on the grounds of personal hardship or for any other reason the purpose of which is complete separation from any military status. Each such person who is initially enlisted, appointed, or inducted into the Regular Navy, or release from active service shall, if physically and mentally qualified, be transferred to the Naval Reserve and shall serve therein for the remainder of the 8 year period of obligated service.

(b) Satisfaction of the 8 year obligation in the Ready and/or Standby Reserve is covered by current directives.

(c) Nothing in this section shall be construed to reduce, limit, or modify any period of service which any person may undertake to perform pursuant to any enlistment, appointment, or agreement.

§ 713.32 *Reserve categories.* (a) Within the Naval Reserve, each reservist shall be placed in one of the following categories.

(1) *Ready Reserve.* Liable for active duty either in time of war, in time of national emergency declared by the Congress or proclaimed by the President, or when otherwise authorized by law.

(2) *Standby Reserve, active status.* Liable for active duty only in time of war or national emergency declared by the Congress or when otherwise authorized by law.

(3) *Standby Reserve, inactive status.* Liable for active duty only in time of war or national emergency declared by the Congress, or when otherwise authorized by law upon determination by the Secretary of the Navy with approval of the Secretary of Defense that adequate numbers of qualified members of the Naval Reserve in an active status in the required category are not readily available.

(4) *Retired Reserve.* Liable for active duty only in time of war or national emergency declared by the Congress, or when otherwise authorized by law upon determination by the Secretary of the Navy with approval of the Secretary of Defense that adequate numbers of qualified members of the Naval Reserve in an active status are not readily available.

(b) Rules regulating the composition and eligibility requirements for transfer between the above categories will be contained in current directives.

§ 713.33 *Types of status.* The Armed Forces Reserve Act of 1952 provides that all reservists be in an active, inactive, or retired status.

(a) All reservists are in an active status except those on an inactive status list and those in the Retired Reserve.

(b) Members of the Naval Reserve on an inactive status list are in an inactive status.

§ 713.34 *Inactive status list.* (a) There is established within the Standby Reserve an inactive status list to which may be transferred those members in the Standby Reserve who are not required to remain members of a reserve component and who are unable to participate in prescribed training. In accordance with such regulations as the Secretary of the Navy with the approval of the Secretary of Defense may prescribe, members in the Ready Reserve who come within the above rules may be transferred to the Standby Reserve and to the inactive status list.

(b) Reservists transferred to the inactive status list are not eligible, while in that status, to participate in training for pay or for promotion or retirement credits, or to be considered for or to effect a promotion or advancement. Such Reservists may take correspondence courses; however, no retirement points or promotion points shall be credited for any otherwise creditable portion of a correspondence course completed while on the inactive status list.

(c) Reservists on the inactive status list may be removed therefrom upon application in accordance with regulations prescribed by the Secretary of the Navy. Normally, retention on the inactive status list is for a minimum period of one year.

(d) A member on the inactive status list who is ordered to active duty shall be considered to have been restored to active status for the period of time actually served on active duty under such orders.

#### ORGANIZATION

§ 713.41 *Programs.* (a) *The Surface Program.* The Surface Program of the Naval Reserve provides training for officer and enlisted personnel in the duties in which they may be required to serve on active duty.

(b) *The Aviation Program.* The Aviation Program is established for the purpose of providing trained units and individuals of the Ready and Standby Reserve (active status) within the aviation branch of the Naval Reserve.

(c) *The Submarine Program.* The Submarine Program provides special

submarine training for officer and enlisted personnel as well as general training in the duties in which they may be required to serve on active duty.

(d) *The Special Programs.* Special programs provide training in the specialties represented or in the special functions for which the programs are established.

(e) *Naval Reserve personnel assigned to Marine Corps units.* Reservists may be assigned in pay status to units of the Marine Corps Reserve as directed by the Bureau of Naval Personnel.

(f) *Naval Reserve personnel assigned to units of other services.* Reservists may be permitted to drill with units of other services provided that training in a Naval Reserve unit is not available and further provided that such affiliation is acceptable to the other services. Such training shall be in a non-pay status except as may otherwise be prescribed for specific programs by the Chief of Naval Personnel.

§ 713.42 *Units.* (a) *Establishment of pay units.* The Secretary of the Navy will authorize the number and location of pay units of the Naval Reserve. No pay units may be established or disestablished without the authority of the Chief of Naval Operations for units of the Naval Air Reserve Program and the Chief of Naval Personnel for units of all other programs; nor may the number of such units in any location be increased or decreased without such authority. The unit shall be composed of officers and enlisted personnel in an active status attached thereto and associated therewith in accordance with allowances and quotas issued by the Chief of Naval Personnel. Excess numbers may be carried in any lower grade or rate to offset vacancies existing in any higher grade or rate.

(b) *Organization of Surface, Submarine, and Special Program pay units.* All pay units of the Naval Reserve Surface, Submarine, and Special Programs shall be known as divisions, battalions, or brigades.

(1) *The division.* The division is the basic unit of organization for the pay units in all programs of the Naval Reserve except the Aviation Program. The division shall be commanded by the senior line or staff corps officer, as appropriate for the program to which assigned, attached thereto who shall be issued orders as commanding officer by the commandant.

(2) *The battalion.* The battalion is an organization consisting of multiple divisions, in such numbers as may be prescribed by the Chief of Naval Personnel, meeting at a single training center, and authorized for the Surface and Electronics Programs when its establishment will result in increased training and administrative efficiency. The battalion commander shall be a line officer normally of the grade of commander designated by the commandant. He shall be senior to commanding officers of divisions within the battalion and to the line officers on his staff.

(3) *The brigade.* The brigade is an organization consisting of 2 or more surface battalions meeting at a single train-



ing center and authorized for the Surface Program when its establishment will result in increased training and administrative efficiency in the densely populated cities where multiple battalions are located. The brigade commander shall be a line officer normally of the grade of captain and designated by the commandant. He shall be senior to the battalion commanders within the brigade and to the line officers on his staff.

(c) *Organization of aviation pay units.* (1) Reservists of the Aviation Program are formed into the following types of pay units, and such others as may be authorized for training purposes:

a. *Squadron.* The squadron is the basic flying unit.

b. *Fleet Air Service Squadron.* The fleet air service squadron is the basic service unit.

c. *Air Wing Staff.* The air wing staff is the basic ground organization.

d. *Auxiliary Air Unit.* The auxiliary air unit is a flying organization for personnel for whom the degree of training for mobilization assignment does not require participation in a squadron.

e. *Auxiliary Ground Unit.* The auxiliary ground unit is a ground organization for personnel for whom the degree of training for mobilization assignment does not require participation in a squadron, FASRON or Air Wing Staff.

(2) The commanding officer of each pay unit shall be a member of the Ready Reserve and the senior naval aviator in a drill pay status attached thereto. He shall be recommended for appointment by the commanding officer of the naval air station or Naval Air Reserve training unit at which the unit is located and designated by the Chief of Naval Air Reserve Training. The executive officer of each unit shall be a member of the Ready Reserve and the naval aviator in a drill pay status next senior to the commanding officer.

(3) The Commanding Officer of the parent Naval Air Station or Naval Air Reserve Training Unit and the Chief of Naval Air Reserve Training shall supervise the training of aviation pay units.

(d) *Organization of non-pay units.* Commandants may form companies and platoons in a non-pay status whose primary mission is to train Naval Reserve personnel.

(e) *Titles of units.* Unit titles will be composed of four segments. The first segment will be "Naval Reserve", the second segment will be the program name, the third segment will be the organization type. The fourth segment will contain two numbers, the first of which will be the number of the naval district or by organizational type under the Naval Air Reserve Training Command.

§ 713.43 *Billets*—(a) *Billet structure.* The required billet structure of pay units and of non-pay units will be specified by the Chief of Naval Personnel and will be designed to best accomplish the training and administration of the unit.

(b) *Associate billets.* Associate billets for the various types of units may be authorized by the Chief of Naval Personnel for the purpose of providing personnel to assist in the training and administration in the unit.

## TRAINING FACILITIES AND EQUIPMENT

§ 713.51 *Procurement.* (a) As directed by the Chief of Naval Personnel, the commandants will take necessary action, in accordance with current instructions relative to the negotiation of leases and permits, to procure satisfactory Naval Reserve training facilities, including Naval Reserve training centers, Naval Reserve electronics facilities and stations, wharves, and berthing facilities. Preliminary investigations preceding this action shall include consideration of such factors as the following:

(1) Ultimate cost where alterations or construction are involved.

(2) The site should be within ready transportation distance, as measured by time, of an adequate man-power potential.

(3) The site should normally be in or near a residential area.

(4) The site should be centrally located in a small town and at two or more locations in large cities.

(5) The site shall have a sufficient amount of land for parking facilities or adequate parking facilities should be available near the site.

(6) The site should contain a sufficient outside space to erect training mockups.

(7) The site shall be large enough to provide space allowances which are in agreement with established space criteria for the ratings to be trained.

(b) Insofar as practicable all units located in areas where a training center or an electronics facility or station is available, shall use that activity for drills.

(c) Funds will not be approved for the leasing of space for nonpay units except for electronics units which are not within ready transportation distance of a training facility.

## § 713.52 *Security and maintenance.*

(a) The responsibility for the maintenance and security of a Naval Reserve training facility and the equipment therein is vested in the commanding officer of the Naval Reserve training facility.

(b) If there is no commanding officer, the commandant shall designate in writing the individual responsible for security of the facility and its equipment.

(c) The responsible individual shall ascertain that there is adequate compliance with fire prevention, safety, and security regulations.

(d) He shall also ascertain that the building and the equipment therein are maintained to prevent loss or undue deterioration.

## § 713.53 *Costs of maintenance and operation.*

(a) With the exception of the funds to cover leases, the cost of maintenance and operation of Naval Reserve training facilities including Naval Reserve training centers, Naval Reserve and Marine Corps Reserve training centers, Naval Reserve wharves, berthing facilities and equipment will be covered by allotments of funds granted to the commandants by the Chief of Naval Personnel. Technical equipment required for training purposes is covered in § 713.58.

(b) Items of major repair will be financed in accordance with current in-

structions as special projects upon specific requests from the commandants to the Chief of Naval Personnel.

(c) All items of alterations or improvements will be financed in accordance with current instructions as special projects upon specific requests from the commandants to the Chief of Naval Personnel.

(d) Every effort shall be exerted to obtain the most effective utilization of the funds granted and to effect savings where possible. The District Public Works Officer, on request, will provide technical assistance for the maintenance and operation of public works and utilities, if required.

## § 713.54 *Joint use and joint occupancy.*

(a) Joint use of Naval Reserve training facilities on a temporary basis by other branches of the Armed Forces may be authorized by commandants if no interference with Naval Reserve training will result from such use. Copies of all permits for such joint use shall be forwarded to the Chief of Naval Personnel (Pers H2).

(b) When permanent joint occupancy of a Naval Reserve training facility is requested by another service, the commandant will forward this request with his recommendation to the Chief of Naval Personnel.

(c) Reimbursement for joint use and joint occupancy will be developed in accordance with current instructions promulgated by the Chief of Naval Personnel.

## § 713.55 *Management control of jointly occupied facilities.*

(a) The Chief of Naval Personnel is responsible for the management control of Naval Reserve training facilities (less Aviation). Management control of these facilities is delegated to the commandants.

(b) Where the Naval Reserve and the Reserve component of another branch of the Armed Forces both have a financial interest in a jointly occupied training facility, the management control of the training facility shall remain with the service holding the major financial interest therein, subject to any mutual agreement for joint occupancy executed by the interested services.

(c) In jointly occupied activities under the management control of the Bureau of Naval Personnel, the commanding officer of the training facility, or in his absence the senior line officer of the Naval Reserve training unit, shall act as senior officer present insofar as use of space and facilities is concerned.

## § 713.56 *Use of facilities by civilian organizations.*

(a) The Secretary of the Navy has delegated authority to the commandants to issue a temporary and revocable permit to civilian organizations to use Naval Reserve training facilities for meetings, assemblage, or such other purposes as in the opinion of the commandant will promote the general welfare and be in the best interest of the United States.

(b) All permits issued by the commandant or his representative shall be in accordance with current instructions from higher authority.



§ 713.57 *Allowance list for Reserve activities.* Allowance lists of equipment for Naval Reserve activities will be promulgated by the bureaus or offices concerned. When these lists become available, requests for the procurement of equipment and material shall be limited to items which appear on the allowance lists and for which there is a current need.

§ 713.58 *Procurement of technical equipment.* (a) The procurement, distribution, installation, and major maintenance of technical equipment required for Naval Reserve training is the responsibility of the cognizant technical bureau. Technical equipment is defined as any equipment which is peculiar to a technical bureau or which has been placed under the cognizance of that bureau by directive. Requests for such equipment shall be made in accordance with existing instructions.

(b) Vessels and other floating equipment will be assigned to the naval districts and river commands for Naval Reserve training, subject to their availability and the approval of the Chief of Naval Operations. Financial responsibility for the maintenance and operation of this equipment is under the cognizance of the Bureau of Ships. Wharves and berthing facilities are provided as prescribed in § 713.51.

(c) The Bureau of Medicine and Surgery will furnish the necessary logistic support for medical or dental outfits, including medicine, hospital supplies, and equipment as required by Naval Reserve activities.

§ 713.59 *Procurement of non-technical equipment.* (a) The procurement and distribution of non-technical equipment is under the cognizance of the Chief of Naval Personnel. Required items of non-technical equipment or material necessary for training or maintenance of equipment are to be requested by the commanding officer of the Naval Reserve unit or activity in accordance with procedures established by the commandant.

(b) Items of equipment, classified as plant account or minor property in use, are to be specifically requested by the commandant from the Chief of Naval Personnel. The commandant prior to forwarding requests for this type of equipment will delete items that have been declared in excess by other Naval Reserve training facilities under his management control and are available for redistribution.

§ 713.60 *Issue of bedding.* (a) Necessary bedding (including such items as pillows, pillow cases, mattress covers or sheets, and blankets) shall be issued to Naval Reserve personnel by the activity conducting the training upon their reporting for training duty. All bedding shall be repossessed from the individual reservist prior to his departure from the activity. The cost involved in the procurement and renovation of the required bedding is chargeable to allotments granted to the activity by the bureau having financial responsibility for that activity.

(b) Necessary bedding (including such items as pillows, pillow cases, mattress

covers or sheets, and blankets) shall be issued to Naval Reserve personnel by the vessels upon their reporting aboard for training duty. This bedding shall be repossessed from the individual reservist prior to his departure from the vessel. The cost involved in the procurement and renovation of the required bedding is chargeable to allotments granted to activities designated by the Bureau of Ships to carry stocks of this type of bedding.

§ 713.61 *Accountability for Government property.* (a) It is the responsibility of the commanding officer of the activity or the individual so designated by the commandant to ascertain that necessary precautions are taken to safeguard Government property and prevent loss or damage thereto.

(b) He shall cause all plant account items to be inventoried and reported in accordance with current instructions contained in Volume III, Chapter 6, Navy Comptroller Manual.

(c) He shall have items of minor property in use, as designated by the Chief of Naval Personnel, inventoried and reported in accordance with current instructions contained in Volume III, Chapter 6, Navy Comptroller Manual.

(d) He may issue items of equipment to the commanding officer of a Naval Reserve unit on a custody receipt. The commanding officer of the unit is then accountable therefor.

(e) He shall insure that all items of equipment and instructional literature are to be kept at the Naval Reserve activity except when it may be necessary to permit use away from such activity for the official use intended. In these instances, custody receipts are to be issued.

(f) He shall have surveyed all items of lost or damaged equipment in accordance with instructions contained in the Bureau of Supplies and Accounts Manual and in U. S. Navy Regulations.

§ 713.62 *Records of invoices and issues.* (a) The fiscal or accounting officer, as indicated in the Navy Comptroller Manual, will be the accounting officer for all supplies and equipment issued for the purpose of training the Naval Reserve.

(b) All invoices for supplies and equipment will indicate the appropriate accounting data as prescribed in the Navy Comptroller Manual.

§ 713.63 *Equipment loaned to States for use of Naval Militia.* Such vessels, equipment, material, armament, or other facilities of the Navy as are or may be made available for the Naval Reserve may also be made available for issue or loan to the several states, territories or the District of Columbia for the use of the Naval Militia. No such facilities of the Navy will be furnished for use by any portion or unit of the Naval Militia, however, unless at least 95 per cent of its personnel are members of the Naval or Marine Corps Reserve and are attached to or associated with pay units of the Naval or Marine Corps Reserve, and unless its training, organization, and administration conform to standards that

will be prescribed from time to time by the Secretary of the Navy.

#### PAY AND ALLOWANCES

§ 713.71 *Compensation for regular drills, periods of equivalent instruction or duty, and periods of appropriate duty.*

(a) Personnel issued inactive-duty training orders in a pay status are entitled to compensation for the performance of regular drills, equivalent instruction or duty, and appropriate duty.

(b) Such compensation for the performance of each regular drill, period of equivalent instruction or duty, or period of appropriate duty is authorized at the rate of 1/30th of the monthly rate of basic pay of the pay grade to which assigned or in which distributed for basic pay purposes.

(c) Group active duty for training and special periods of inactive-duty training do not come within the interpretation of the terms "regular drill, equivalent instruction or duty, or appropriate duty" and compensation for the performance of such training is not authorized.

(d) A reservist shall not receive pay for a greater number of regular drills, periods of equivalent instruction or duty, or periods of appropriate duty, either singly by type or by combination of types, than is prescribed in the Tables of Organization of the Naval Reserve for the fiscal year concerned.

§ 713.72 *Incentive pay for hazardous duty.* Reservists entitled to receive inactive-duty pay shall, in addition thereto, be entitled to receive incentive pay at the rate of 1/30th of the monthly rate of such incentive pay for the performance of hazardous duty required by competent orders.

§ 713.73 *Compensation for performance of administrative duty.* (a) Commanding officers of pay units who satisfactorily perform the administrative duties and responsibilities of a commanding officer may receive compensation in the amount prescribed in the Tables of Organization of the Naval Reserve for the fiscal year concerned. Such compensation shall not exceed \$240 per year.

(b) The appointment of an officer as a commanding officer of a pay unit does not automatically entitle him to such compensation since the pay is dependent upon performance of administrative duties in a satisfactory manner. The cognizant commandant or the Chief of Naval Air Reserve Training, as appropriate, upon certification of the commanding officer of a Naval Reserve training center, a naval air station, or a Naval Air Reserve training unit, may withhold this compensation for failure to perform such administrative duties in a satisfactory manner. Entitlement to this compensation does not accrue while performing active duty for training.

§ 713.74 *Administrative procedures for payment of inactive-duty pay.* (a) Military pay accounts for reservists on inactive-duty in a pay status shall be maintained by the Navy Accounts Disbursing Office for members under the cognizance of the commandant; and by the disbursing officer of the cognizant naval air station, or of the naval air



station upon which a Naval Air Reserve training unit is based, for members under the cognizance of the Chief of Naval Air Reserve Training.

(b) Checks for inactive-duty pay shall be mailed to reservists in accordance with prescribed procedures unless direct payment is more practicable for the disbursing officer. (See the Navy Comptroller Manual for administrative procedures relative to inactive-duty pay.)

#### DISABILITY AND DEATH BENEFITS

§ 713.81 *Statutory provisions concerning disability and death benefits.* (a) Reservists ordered to active duty, active duty for training, or inactive duty training have eligibility under certain circumstances for medical treatment and subsequent disability for death benefits. The determination of eligibility for these benefits depends on the laws involved, the circumstances surrounding the injury or death of the reservist, and the interpretation of these facts by the agency administering the law.

(b) Section 4 of the Act of 27 August 1940, as amended (34 U. S. C. 855c-1), in general, guarantees to the reservist the same rights to medical treatment, hospital benefits, and disability and death benefits afforded his contemporaries in the Regular Navy. This act as amended is applicable to all reservists who:

(1) If ordered to active duty in excess of 30 days, suffer disability or death in line of duty from disease while so employed; or

(2) If ordered to active duty, to active duty for training, or to inactive-duty training for any period of time, suffer disability or death in line of duty from injury while so employed.

(c) The retired pay benefits provided under the Career Compensation Act of 1949 (37 U. S. C. 271-285), the law now governing physical disability retirements from the Armed Forces, apply equally to members of the Naval Reserve and the Regular Navy qualifying thereunder.

(d) The Naval Reserve Act of 1938 contains a provision which extends to reservists called to duty the medical care and compensation benefits available to civilian employees of the Federal Government who suffer injuries or death in the performance of their duties. The Bureau of Employees' Compensation, U. S. Department of Labor, Washington 25, D. C., administers this provision of the Act. Since the benefits of the coverage afforded reservists under this Act are generally more extensive than similar provisions of section 4 of the Act of 27 August 1940, as amended, supra, the provisions of this Act are given more intensive consideration in §§ 713.82 and 713.84.

(e) Compensation, pensions, medical treatment, burial benefits, and other benefits afforded by public laws intended for the benefit of veterans of the Armed Forces and their survivors are administered by the Veterans' Administration and applications for these benefits must be made to that agency.

(f) A reservist, or his dependents in case of his death, who is also eligible for compensation from the Veterans Administration must elect whether to

receive the benefit from the Bureau of Employees' Compensation or from the Veterans Administration.

§ 713.82 *Compensation under Federal Employees' Compensation Act.* (a) In time of peace a reservist who has been physically injured in line of duty or dies as a result of such physical injury, is entitled to the same benefits as those prescribed by law for civilian employees of the United States who are physically injured in the line of duty or who die as a result thereof. Active duty with or without pay; active duty for training with or without pay; regular drills, equivalent instruction or duty, appropriate duty, or other prescribed duty, and authorized travel (travel for which compensation may be claimed) to or from such duties are considered qualifying naval service for this benefit. In no case shall sickness or disease be regarded as an injury even though incurred in service as defined above.

(b) Dependents of reservists who die as a result of physical injury incurred in line of duty while performing naval service as defined in paragraph (a) of this section, are entitled to the same benefits as those prescribed by law for dependents of civilian employees of the United States who die as a result of injury sustained while in the performance of duty. No benefit is payable when the death results from sickness or disease.

(c) It is the duty of the reservist who incurs an injury however slight, while on active duty or such other duty as listed in paragraph (a) of this section, to give written notice (form CA-1) to his commanding officer within 48 hours after the injury. In cases when the reservist's condition is such that he cannot give such notice, form CA-1 shall be rendered by the commanding officer of the injured reservist.

(d) It is the duty of the commanding officer of a reservist who incurs an injury on active duty or such other duty as listed in paragraph (1), however slight, to secure immediately a record of the cause, nature and extent of the injury, and the name of any witness. He shall see that the injured reservist submits form CA-1 as indicated above. When a reservist is injured while on active duty the commanding officer shall submit form CA-2, together with form CA-1, as soon as practicable after the injury, to the Bureau of Employees' Compensation, Department of Labor. If the injury results in death, form CA-3 also is required. The reports should not be delayed more than 3 days, if not at sea. Complete instructions on forms and procedure are contained in the Bureau of Employees' Compensation rules and regulation, copies of which may be obtained from that Bureau.

(e) The commanding officer or other person in authority having immediate knowledge thereof, shall immediately make a written report in duplicate to the appropriate commandant or to the Chief of Naval Air Reserve Training in the case of reservists who are members of units under the jurisdiction of the latter, setting forth the circumstances under which injured, the nature and extent of the injury, so far as known, and what action, if any, has been taken to provide treat-

ment, as well as any other information that may be of value in establishing the injured person's right or the right of his dependents to compensation, hospital, or medical services.

(f) Under the terms of the Compensation Act, all original claims for compensation for disability shall be made within 60 days after the injury. For any reasonable cause shown, the Bureau of Employees' Compensation may allow original claims for compensation for disability to be made at any time within one year. If the injury seems likely to result in prolonged disability, form CA-4, or form CA-4a if reservist has one or more dependents, should be submitted 18 days after the pay stops. If the disability lasts less than 18 days, form CA-4, or form CA-4a, should be submitted upon termination of such disability. All original claims for compensation for death must be made within one year after the death. If claim is filed within 5 years, however, the Bureau of Employees' Compensation may waive the one year time limit if the failure to file was due to circumstances beyond the control of the person claiming benefits or that such person has shown sufficient cause or reason in explanation thereof, and material prejudice to the interest of the United States has not resulted from such failure.

§ 713.83 *Compensation and pension from the Veterans' Administration—(a) Disability compensation and pension.* Reservists are eligible for disability compensation and pension on the same basis as members of the Regular Navy who have disabilities incurred in or aggravated by active service. In the case of reservists, active duty includes active duty for training with or without pay. No benefit is payable, however, if the disability is the result of a disease unless the reservist has been ordered to active duty for a period in excess of 30 days.

(b) *Death compensation and pension.* Survivors of reservists are eligible for disability compensation and pension on the same basis as survivors of members of the Regular Navy who have disabilities incurred in or aggravated by active service. Qualifying service for these benefits is the same as that described in paragraph (a) of this section.

§ 713.84 *Medical and hospital benefits—(a) General.* Reservists ordered to duty in excess of 30 days are eligible for the same medical and hospital benefits as members of the Regular Navy. Reservists ordered to training duty or duty less than 30 days are covered by the provisions of the Federal Employees' Compensation Act. Retired Reservists, dependents of Reservists, and unmarried widows of Reservists are eligible under certain conditions for in-patient and out-patient care at service hospitals.

(b) *Injury.* A reservist, physically injured in line of duty while performing active duty or training duty and requiring treatment or hospitalization beyond the period covered in his orders, is entitled under the provisions of the Federal Employees' Compensation Act to such treatment and hospitalization upon the expiration of active or training duty in facilities in the order of listing:



Naval Hospital.  
 United States Marine Hospital or United States Public Health Service relief stations.  
 Other Government or relief stations.  
 Civilian institutions under the care of physicians designated by the Commission.  
 Civilian institutions or non-designated physicians.

The act requires, where practicable, that Government medical facilities be utilized. A list of medical facilities available to injured reservists may be obtained on request from the Bureau of Employees' Compensation, Department of Labor, Washington 25, D. C. In the event the list is not available and the injury occurs in the vicinity of a place where there is a United States Government activity employing civilian personnel, the official in charge of that activity may be communicated with for the purpose of ascertaining if there is a Government hospital or designated physician to which the reservist may be sent for examination and treatment. If such facilities are available, the injured person must report for treatment without further delay. If no such facilities are available in the vicinity and the injury is such as to make medical or hospital treatment necessary, the injured person may be sent to the nearest competent physician or hospital which may be available.

(1) Reasonable charges for hospitalization and treatment to which the reservist is entitled are payable by the Bureau of Employees' Compensation upon proper claim. In case of hospitalization, ward service only is allowable unless the condition of the injured person necessitates the use of a private room. It will, however, be permissible for the injured person to occupy a private room provided he will pay the difference between the private room rate and the fixed rate for general ward service.

(c) *Sickness and disease.* Title 34 U. S. Code 855c provides that a reservist who becomes ill or contracts a disease in line of duty during the performance of active duty or training duty with or without pay shall be entitled, at Government expense to such medical, hospital, or other treatment as necessary until the disability resulting from such illness or disease cannot be materially improved by further hospitalization or treatment, and to the necessary transportation and subsistence incident to such medical and hospital treatment. Treatment or hospitalization for such illness or disease shall not be continued for more than 10 weeks following discharge from active or training duty except on the approved recommendation of a board of medical survey, consisting of one or more medical officers of the Navy or on authorization of the Surgeon General of the Navy based on the certificate of a reputable physician that the illness or disease is a continuation of the illness or disease which was sustained or contracted during the period of active duty or training duty and that further benefit will result from continued treatment.

§ 713.85 *Double compensation.* (a) Reservists are not entitled to pay and allowances for active or training duty while in receipt of a pension, disability allowance, disability compensation, or

retired pay from the Government of the United States by virtue of prior military service. Provisions of law allow reservists who are in receipt of such compensation from the Federal Government to waive the compensation while performing active or training duty with pay or allowances.

(b) *Active duty.* Reservists in receipt of orders to active duty with pay and allowances who are receiving a pension, disability allowance, disability compensation, or retired pay shall comply with the provisions of their orders but must signify which compensation they elect to receive. A reservist may be certified for active duty pay and allowances by completing an affidavit that he is not drawing a pension, disability allowance, disability compensation, or retired pay from the Federal Government by virtue of prior military service or by executing in triplicate a waiver of such compensation as follows:

NOTICE OF RE-ENTRANCE INTO ACTIVE MILITARY SERVICE

Date \_\_\_\_\_  
 C-No. \_\_\_\_\_  
 To: Veterans' Administration, Regional Office  
 (or other bureau or office).

(Address) \_\_\_\_\_

I. This is to certify that I, \_\_\_\_\_ have this date reentered active military service; and that I agree to repay in cash or by deduction from pay, which is hereby authorized, any pension, disability allowance, disability compensation, or retired pay received by me from the Veterans' Administration (or name of other bureau or office) for any period subsequent to date of reentrance into active service and to which I am not entitled by reason of receipt of active service pay. I further request termination of any pension, disability allowance, disability compensation, or retired pay from your office for the period that I will be in receipt of active service pay.

(Signature of reservist) \_\_\_\_\_

(Address) \_\_\_\_\_

Date \_\_\_\_\_

FIRST ENDORSEMENT

From: The Disbursing Officer.

To: The Veterans' Administration (or name of other bureau or office).

1. The above named reservist has been taken up for active duty pay commencing \_\_\_\_\_

(Signature) \_\_\_\_\_

The waiver shall be delivered to the disbursing officer who first takes up the pay account of the individual concerned. The disbursing officer shall execute the endorsement and forward the original to the Veterans Administration or other bureau or office and a copy to the Bureau of Naval Personnel, retaining the third copy as a voucher for the pay account.

(c) *Active duty for training and inactive-duty training with pay.* Reservists who are receiving a pension, disability allowance, disability compensation, or retired pay from the Federal Government by virtue of prior military service shall not be issued orders to training duty with pay without prior approval of the Chief of Naval Personnel. Requests for training duty with pay from such personnel shall be accompanied by a waiver of such compensation and a

report of physical examination on standard forms 88 and 89 as prescribed by the Chief of Naval Personnel in separate regulations.

(d) *Reservists in a pay status who subsequently file a claim or receive a pension.* A reservist on inactive duty in a pay status of any nature shall notify his commanding officer at the time of submission of his claim to the Veterans Administration and advise him as to the status of his claim. Immediately upon receipt of a pension, disability allowance, disability compensation, or retired pay from the Federal Government, the reservist shall notify his commanding officer and submit a waiver in the prescribed form waiving the pension for the number of days of training in a pay status for which retroactive pension has been awarded and waiving the pension for days of training in a pay status for which retroactive pension has been awarded and waiving the pension for days of training with pay in the current fiscal year. The commanding officer shall certify and distribute the waiver and direct the reservist to forward a request for retention in pay status as prescribed in regulations issued by the Chief of Naval Personnel.

UNIFORM ALLOWANCES

§ 713.91 *Officers' uniform allowance.* Entitlement to and payment of uniform allowances for officers shall be governed by instructions issued by the Chief of Naval Personnel and the Chief of the Bureau of Supplies and Accounts. In general, officers will be entitled to the following uniform allowances:

(a) *Initial uniform allowance.* An officer of the Naval Reserve shall be entitled to an initial sum not to exceed \$200 as reimbursement for the purchase of required uniforms and equipment upon first reporting for active duty for a period in excess of 90 days; upon completion, as a member of a Reserve component, of not less than 14 days' active duty or active duty for training; or after the performance of 14 periods of inactive-duty training as a member of the Ready Reserve.

(b) *Additional active duty uniform allowance.* Certain Naval Reserve officers who have entered or enter on active duty or active duty for training for a continuous period of more than 90 days' duration on or after 25 June 1950 at a location where uniforms are required to be worn are entitled to a sum not to exceed \$100 as reimbursement for the additional uniforms and equipment required on such duty.

(c) *Uniform maintenance allowance.* Certain officers are further entitled to an additional sum not to exceed \$50 for reimbursement for the purchase of required uniforms and equipment upon completion of each period of not less than 4 years' satisfactory Federal service. No officer shall be entitled to this allowance until the expiration of at least 4 years from the date of entitlement to any uniform gratuity or allowance authorized under the provisions of any law.

§ 713.92 *Uniform issues to enlisted reservists.* (a) The issue of clothing to



enlisted reservists or the granting of cash allowances in lieu of clothing issue, shall be governed by the provisions of the Executive Orders issued by the President and clothing regulations issued by the Secretary of Defense. The Chief of Naval Personnel will promulgate directives from time to time relative thereto.

(b) Issue of clothing to reservists on inactive duty or active duty for training is limited to activities within the continental United States and the 14th and 15th Naval District.

§ 713.93 *Replacement of uniforms.* (a) Officers and chief petty officers whose uniforms are lost or damaged incident to training duty are entitled to reimbursement for such loss or damage under the provisions contained in Part A, Chapter 5, of the Bureau of Naval Personnel Manual.

(b) Clothing provided for the use of enlisted personnel on inactive-duty training remains the property of the Government. The reservist holds only temporary custody of such clothing and is required to replace articles of uniform which are damaged or lost as a result of his negligence. He shall be relieved of such responsibility only when an investigation by his commanding officer establishes that such loss or damage was not caused by negligence, or if it is established that under similar circumstances Regular Navy personnel would be entitled to reimbursement for such loss or damage. In that event, an entry setting forth the circumstances shall be made on page 13 of the reservist's service record by the commanding officer, and an additional uniform allowance of clothing-in-kind issued to the reservist.

#### SUBPART B—CORRESPONDENCE, RECORDS, AND REPORTS

##### CORRESPONDENCE

§ 713.201 *Procedures.* (a) Organizations and individuals shall follow the procedures contained in Part B, Chapter 1, of the Bureau of Naval Personnel Manual in preparing official correspondence.

(b) The mailing address, as defined in § 713.211, shall be shown on all correspondence originated by a member of the Naval Reserve on inactive duty.

(c) Except as provided in § 713.202, correspondence to higher authority originated by a reservist who is attached to or associated with a unit, shall be via the organization commander. If the reservist is not attached to or associated with a unit, correspondence originated by him shall be via the appropriate commandant.

§ 713.202 *Special correspondence.* Officers on inactive duty are encouraged to report directly to the bureau or office having an interest therein, including the Office of Naval Intelligence, matters which come to their attention and which appear to be of special value or official interest to the bureau or office concerned. Officers performing outstanding services in this connection, upon recommendation of the bureau or office concerned, will be issued letters of commendation which will form a part of their official records.

##### RECORDS AND REPORTS

§ 713.211 *Mailing address.* (a) "Mailing address" is defined as the address at which a reservist can be reached quickly at anytime by orders or other official communication with a certainty of delivery.

(b) The mailing address determines the location of a reservist's records.

(c) A reservist shall keep the cognizant naval command informed of his mailing address. When a change in address occurs, it is incumbent upon the individual concerned to notify the custodian of his records of the new mailing address. If he is attached to a Naval Reserve organization, such notification shall be via the commanding officer of the organization.

(1) When notification of change of mailing address is received by the custodian of the record, the record shall be corrected, and in the event that the new mailing address is outside his jurisdiction, the record shall be transferred to the commandant controlling the area of the new mailing address. In case of officers only, a copy of the record's transmittal letter shall be forwarded to the Chief of Naval Personnel for record purposes.

(2) A temporary change of residence of 6 months or less does not constitute a need for transfer of records. In such cases of temporary residence if mail cannot be promptly delivered by means of the existing mailing address, the reservist shall inform the custodian of his temporary address at the beginning and end of the temporary residence.

§ 713.212 *Fitness reports.* (a) In preparation of fitness reports, reporting seniors shall insure compliance with U. S. Navy Regulations and current instructions. Fitness reports shall be completed for the following types of training.

(1) *Active duty for training.* A fitness report shall be prepared for officers upon completion of active duty for training with or without pay, other than short periods of group active duty for training, on the fitness report form currently prescribed for officers of the Regular Navy. An exception is made, however, in the cases of naval aviators attached to a unit who are from time to time throughout the year ordered to active duty in connection with the ferrying of aircraft. In such cases, the reporting senior shall maintain a record of pertinent data in connection with each such period of active duty and incorporate such data in the annual fitness reports for the officers concerned.

(2) *Inactive-duty training.* Annual fitness reports shall be submitted by the reporting seniors for officers attached to or associated with a unit or performing appropriate duty, and for officers employed in the maritime profession afloat or ashore.

(b) Recommendations for discharge, transfer, retirement, and such other action shall not be included in the comments contained in the annual fitness report, but shall be made the subject of separate correspondence.

(c) Detailed instructions for the preparation and submission of fitness reports

will be promulgated by the Chief of Naval Personnel.

§ 713.213 *Officer's annual qualifications questionnaire.* Annually on 30 June, upon receipt of necessary forms from the cognizant commandant, area or force commander, or the Chief of Naval Air Reserve Training, as appropriate, each Naval Reserve officer on inactive duty shall complete and submit the Annual Qualifications Questionnaire in accordance with instructions promulgated by the Chief of Naval Personnel.

§ 713.214 *Service records.* (a) *Officer.* The Officer Service Record, NavPers-3021, shall be maintained and administered for each Naval Reserve officer in accordance with the provisions of article B-2207 of the Bureau of Naval Personnel Manual and such additional instructions as will be promulgated by the Chief of Naval Personnel.

(b) *Enlisted.* The Enlisted Service Record, NavPers-601, shall be opened and maintained for each person enlisted, reenlisted, or inducted in the Naval Reserve. Complete instructions regarding the enlisted service record are contained in Part B, Chapter 2, Section 3 of the Bureau of Naval Personnel Manual.

§ 713.215 *Identification cards.* (a) The Armed Forces Identification Card, DD Form 2N, shall be issued to reservists, including retired personnel, in accordance with the provisions of article B-2103, of the Bureau of Naval Personnel Manual and such additional instructions as may be promulgated by the Chief of Naval Personnel.

(b) The Geneva Conventions Identification Card, DD Form 528, shall be issued to reservists on active duty, excluding active duty for training, in accordance with the provisions of article B-2104 of the Bureau of Naval Personnel Manual and such additional instructions as may be promulgated by the Chief of Naval Personnel.

§ 713.216 *DD Form 93.* Reservists on active duty for training, inactive-duty training, Reserve midshipman, and contract students shall complete and have filed in their service records a Record of Emergency Data for the Armed Forces of the United States, DD Form 93, in accordance with article B-2312 of the Bureau of Naval Personnel Manual.

§ 713.217 *Record of inactive-duty training.* (a) Regular drills: The commanding officer of each pay unit for which regular drills are prescribed shall keep a permanent record for each reservist of his organization, showing the number of drills prescribed during the month, the name of the person, the date of the drill, the period during which he was actually present and under instruction, and the character of drill and instruction for the entire period.

(b) *Appropriate duty:* The immediate officer under whom the reservist performs appropriate duty shall forward to the custodian of the record a complete statement showing the date, place, duration, and the character of the duty.

(c) The records listed above may be required for non-pay units at the dis-



cretion of the commandant or comparable administrative authority.

§ 713.218 *Report of death.* (a) Casualty reports for reservists on active duty, on active duty for training, or in a drill status shall be submitted as prescribed in article C-9801 of the Bureau of Naval Personnel Manual.

(b) When death occurs in case of a reservist on inactive duty who is not included in paragraph (a) of this section, a report of death in letter form shall be forwarded by the commanding officer or the commandant, as appropriate, to the Chief of Naval Personnel. All pertinent information obtainable, such as full name, grade and designator or rate, file or service number, date and place of birth, date, place and cause of death, source of information, and name and address of next of kin shall be included in this report. A copy of the report together with a terminated health record, shall be forwarded to the Bureau of Medicine and Surgery.

§ 713.219 *Use of standard forms.* (a) Whenever appropriate, forms prescribed for the Regular Navy shall be used for reservists on inactive duty. Standard forms shall be ordered from district publication and printing offices as provided in article B-3202 of the Bureau of Naval Personnel Manual.

(b) The Chief of Naval Personnel will prescribe such additional forms as may be required for the administration of the Naval Reserve and will promulgate by separate instruction a list of standard forms. District forms may not be substituted for standard forms nor may standard forms be reproduced locally.

#### SUBPART C—ADMINISTRATIVE REGULATIONS AND PROCEDURES

##### GENERAL POLICIES

§ 713.301 *Administrative policy.* (a) There shall be no discrimination between and among members of the Regular Navy and the Naval Reserve and in the administration of regulations applicable to both components. Except where otherwise specifically provided, regulations contained herein are applicable equally to men and women of the Naval Reserve.

(b) Active duty: Reservists on active duty shall be governed in the same manner as personnel of the Regular Navy in accordance with instructions contained in this Manual or in such directives as may be issued by the Chief of Naval Personnel.

(c) Inactive duty: Reservists on inactive duty shall be governed as provided in this and preceding parts of this Manual or in such directives as may be issued by the Chief of Naval Personnel.

§ 713.302 *Composition of boards.* All boards convened for the appointment, promotion, demotion, involuntary release from active duty, discharge, or retirement of reservists shall include appropriate numbers of reservists as prescribed by the Secretary of the Navy.

##### GENERAL PROCUREMENT REQUIREMENTS

§ 713.311 *Basic qualifications.* (a) Unless otherwise required by law, no person, other than a person who has had prior service in the Armed Forces of the

United States or the National Security Training Corps, shall be appointed or enlisted in the Naval Reserve who is not a citizen of the United States, its territories or possessions, or who has not made a declaration of intent to become a citizen thereof. The Chief of Naval Personnel will prescribe citizenship requirements for membership in the Naval Reserve within these limitations.

(b) With the exception of the Naval Militia, members of the Naval Reserve may not be members of any other military organization.

##### § 713.312 *Availability for mobilization.*

(a) A basic requisite of the Naval Reserve is its availability for immediate mobilization, and its members are under a continuous liability therefor. Applicants should understand that upon accepting any Naval Reserve status it is continuously assumed thereafter that they are available immediately for any naval service as the national security may require or as otherwise authorized by law.

(b) Individuals whose availability for mobilization is considered by the Chief of Naval Personnel to be incompatible with the availability requirements above shall not be appointed or enlisted in the Naval Reserve unless they have special qualifications or are able to perform services which are of such outstanding value to the Navy, that their enlistment or appointment in the Naval Reserve is approved by the Chief of Naval Personnel even though their civilian status may possibly preclude their being ordered to active duty.

(c) Availability for mobilization of persons employed in merchant ships will not be a factor in determining eligibility for commission or enlistment in the Naval Reserve. It is considered that the mobilization of such reservist, other than those serving in ships taken over by the Navy, would unduly interfere with normal operation of the Merchant Marine. Insofar as practicable, it is therefore proposed to man merchant ships placed in commission with their own licensed and unlicensed personnel.

##### APPOINTMENT OF OFFICERS

§ 713.321 *Responsibility for procurement.* (a) In implementing policies established by the Secretary of the Navy relative to the overall needs of the Naval Establishment for Naval Reserve officers, the Chief of Naval Personnel will issue appropriate procurement directives to Offices of Naval Officer Procurement and to other service activities. These directives will contain the basic authority for the procurement of Naval Reserve officers and officer candidates and will outline specific requirements of procurement programs involved, as well as processing procedures.

(b) Officers in charge of the Offices of Naval Officer Procurement and other activities specifically designated by the Chief of Naval Personnel shall process and recommend civilian applicants and enlisted Naval Reserve applicants not on active duty for appointment as officers and officer candidates of the Naval Reserve, in accordance with directives issued by the Chief of Naval Personnel.

(c) Commanding officers of enlisted personnel on active duty shall forward applications of persons within their commands who are applicants for appointment in the Naval Reserve and who are applying for appointment under the authority of specific directives issued by the Chief of Naval Personnel.

(d) The Chief of Naval Personnel will approve or disapprove applications for appointment in the Naval Reserve and may recommend such applicants as meet requirements to the Secretary of the Navy for appointment. In making recommendations, due consideration will be given by the Chief of Naval Personnel to the recommendations of the Office of Naval Officer Procurement or the commanding officer through whom the application is submitted, to the representative of the bureau or office of the Navy Department having cognizance of the speciality for which the appointment is sought as to professional qualifications, and to the recommendations of the Bureau of Medicine and Surgery as to physical qualifications.

§ 713.322 *Appointments and terms of service.* (a) All appointments to commissioned grades in the Naval Reserve shall be for an indefinite term.

(b) Persons appointed to flag officer grades in the Naval Reserve will be so appointed with the advice and consent of the Senate and shall serve during the pleasure of the President.

(c) Persons appointed to commissioned grades other than flag officer grades in the Naval Reserve will be commissioned by the President to serve during the pleasure of the President. No person may be appointed as a commissioned officer in a grade higher than lieutenant commander except upon the recommendation of a board of officers convened by the Secretary of the Navy.

(d) Persons appointed to warrant grades in the Naval Reserve will be warranted by the Secretary of the Navy to serve during the pleasure of the Secretary of the Navy.

(e) Persons appointed as midshipmen, U. S. Naval Reserve, will be appointed to serve during the pleasure of the Secretary of the Navy. Such appointments will be made in accordance with instructions issued by the Chief of Naval Personnel.

(f) In time of war or national emergency and subject to approval by the President, persons who by virtue of civilian education and/or experience have qualifications needed by the Navy may be appointed as temporary officers in the Naval Reserve in any of the several commissioned officer grades. Persons so appointed may be ordered to active duty for such periods of time as the President may prescribe. The appointment of such a temporary officer, if not sooner terminated, shall continue during the national emergency or war in which the appointment was made and for six months thereafter. Temporary officers so appointed may upon application and if selected be commissioned as an officer of the Regular Navy or Naval Reserve. All such temporary appointments may be terminated at any time by the President.

§ 713.323 *Procurement quotas.* (a) The Chief of Naval Personnel will pre-



scribe quotas of officers to be procured for the Naval Reserve in accordance with the mobilization needs of the Naval Establishment. Quotas will be reviewed at least once each year and adjusted in accordance with current needs.

(b) Requirements for original appointment of officers in each group open to procurement shall be as specified by the Chief of Naval Personnel.

§ 713.324 *Procedures for making application for appointment.* (a) Except as provided in § 713.326, civilian applicants and enlisted reservists not on active duty may apply for appointments as officers or midshipmen at an Office of Naval Officer Procurement.

(b) Personnel on active duty may apply for appointments as officers or midshipmen via their commanding officers. The programs which are available and the method of making application for these individuals are published in current directives.

§ 713.325 *Qualifications for original appointment.* (a) Except as otherwise approved by the Secretary of the Navy, the limiting ages for original appointments in the Naval Reserve of all officers except physicians and dentists are prescribed as follows:

Grade	Line OEC, SO	Medical Service Corps	Nurse Corps	Chaplain Corps	MC and DO Students <sup>1</sup>
Lieutenant commander	39½-48½	39½-48½		39½-48½	
Lieutenant	33½-39½	33½-39½	33½-40	33½-39½	
Lieutenant (junior grade)	27½-33½	21-33½	27½-33½	27-33½	
Ensign	19-27½	21-32	21-27½		
Ensign 1135				19-30	19-29
Warrant	21-44				

<sup>1</sup> The maximum age limit for men with prior active military service may be adjusted on a month-for-month basis, depending upon the number of months of active military service performed between December 7, 1941-September 2, 1945, and during the combat period of the Korean emergency, but in no case will an application be accepted from any person who will have passed his 36th birthday when he becomes eligible for superseding appointment in the grade of lieutenant (junior grade).

(b) Except as otherwise approved by the Secretary of the Navy, the limiting ages and experience factors for original appointment of physicians and dentists in the Naval Reserve are prescribed as follows:

Grade	Physicians		Dentists	
	Minimum years experience <sup>1</sup>	Maximum age	Minimum years experience <sup>1</sup>	Maximum age
Lieutenant Commander	11	48	11	48
Lieutenant	4	39½	4	39½
Lieutenant (junior grade)	0	33½	0	33½

<sup>1</sup> Computed from date of graduation from medical or dental school.

The Chief of Naval Personnel is authorized to establish age and experience levels for appointment of physicians and dentists who are required by law to perform

active military service. Modifications of the requirements of the table shown above shall be within the limitations established by such legislation.

(c) All persons appointed as midshipmen, warrant officers, or commissioned officers in the Naval Reserve shall be physically qualified in accordance with physical standards contained in the Manual of the Medical Department and as prescribed by the Chief of Naval Personnel.

(1) Minor physical defects which are nonorganic and/or nonrecurrent in nature may be waived as directed by the Chief of Naval Personnel.

(d) Civilians and enlisted reservists not on active duty who are applicants for appointment will be interviewed personally by not less than two suitable officers. A summation of the individual interviews shall be included in the forwarding report.

(e) Before an application is forwarded to the Chief of Naval Personnel, the Procurement activities will conduct an investigation of the candidate's security and of his moral and professional qualifications for appointment in the Naval Reserve as directed by the Chief of Naval Personnel.

(1) If as a result of the personal interviews and investigations there remains any doubt as to the loyal intentions of the candidate or as to the bad effect of any influences to which he may be subject, the forwarding endorsement should so state.

(f) The requirements in the preceding paragraphs of this section may be waived by the Chief of Naval Personnel or his designated representative, for officers of the Regular Navy who apply for appointment and whose resignations are pending and for former officers of the Regular Navy who apply within three months after the acceptance of their resignations.

(g) Appointment in the Naval Reserve, unless otherwise required by law, is limited to men and women who meet any one of the following requirements:

(1) Are citizens of the United States, its territories, or possessions.

(2) Who have had prior service in the Armed Forces of the United States or the National Security Training Corps.

(3) Are citizens of the Philippine Islands who were in the naval service on or prior to 4 July 1946 and reenlisted subsequent thereto before the expiration of three months following discharge.

(4) Have made declaration of intent to become a citizen of the United States.

(h) The Chief of Naval Personnel shall prescribe citizenship requirements for appointment in the Naval Reserve within the limitations set forth above.

§ 713.326 *Officer candidate and student officer procurement.* (a) The following programs are maintained to provide for appointment to commissioned grade in the Naval Reserve:

(1) The Naval Reserve Officers Training Corps (NROTC) is established in units located at certain colleges and universities in the United States. Men attending such schools may enroll in the NROTC program as contract students and, upon graduation, will be commis-

sioned as ensigns in the Naval Reserve. Contract students must pay their own educational expenses. The Navy provides the required uniforms and pays a ration allowance during the junior and senior years. Further information may be obtained from the Professor of Naval Science at the NROTC institution in which the student is in attendance. (See Part C of the Bureau of Naval Personnel Manual concerning qualifications for appointment.)

(2) The Reserve Officer Candidate (ROC) Program is designed for students attending college. Men applicants must have reached the 17th and women applicants the 18th anniversary of birth on the date of enrollment but must be of such age that they will not reach their 27th anniversary of birth on 1 July of the calendar year in which the educational and training requirements will be completed. Applicants enrolled in this program must have enlisted status in the Naval Reserve and must be attending as a full-time student in good scholastic standing an accredited junior college, college, or university.

(3) The Officer Candidate (OC) Program provides a course of training for selected college graduates leading to a commission in the line or staff corps of the Naval Reserve. Selected civilian applicants are enlisted in the Naval Reserve as officer candidates. Selected enlisted applicants are designated as officer candidates within their present pay grades.

(4) The Naval Aviation Cadet (NavCad) Program is open to unmarried men between the ages of 18 and 25 who meet the physical, professional, and psychological standards required for flight training. Selected applicants for this program who successfully complete the prescribed flight training are designated as naval aviators and commissioned in the Naval Reserve or Marine Corps Reserve.

(b) Applicants for any of the aforementioned programs must meet the physical standards for appointment as set forth in the Manual of the Medical Department, U. S. Navy.

(c) The Chief of Naval Personnel will prescribe appropriate regulations and processing procedures to implement the foregoing programs.

§ 713.327 *Appointment of enlisted men as midshipmen.* (a) The Secretary of the Navy is authorized to appoint enlisted men of the Naval Reserve and Marine Corps Reserve under similar conditions, so far as applicable, as midshipmen to the Naval Academy, as prescribed by law for appointments for enlisted men of the Navy. Not more than 160 midshipmen shall be appointed in any one year from enlisted men of the Naval Reserve and Marine Corps Reserve under this authority, except that in the event the quota of midshipmen from the enlisted men of the Regular Navy is not filled in any one year, the Secretary of the Navy may fill such vacancies with additional men from the Naval Reserve. The Chief of Naval Personnel may prescribe eligibility requirements for appointments to the Naval Academy from the Naval Reserve and for attendance at the Naval Preparatory School.



(b) Only enlisted men of the Naval Reserve who meet the following requirements will be selected as a result of a competitive examination for appointment as midshipmen:

(1) Must be citizens of the United States who are not less than 17 nor more than 22 years of age on 1 July of the year in which they enter the Naval Academy.

(2) Must have been in the Naval Reserve one year between 1 July of the year preceding appointment and 1 July of the year in which appointed. In this computation service in the Marine Corps Reserve shall be credited.

(3) Must be attached to or associated with a unit of the Naval Reserve and have maintained efficiency by attending drills prescribed each year by the Chief of Naval Personnel.

(4) Must have a good record.

(5) Must submit application on Enlisted Reserve Application for appointment to the United States Naval Academy (Form NavPers 2451) to the commanding officer of his unit prior to 1 October of the year preceding appointment. Application and all endorsements must be received in the Bureau of Naval Personnel not later than 1 November of year preceding appointment. Application must be submitted via the commanding officer and the cognizant commandant or the Chief of Naval Air Reserve Training, as appropriate. Each applicant must be given a preliminary physical examination in strict accordance with the Manual of the Medical Department, by a medical officer of the Navy or Naval Reserve or by the "Board for Preliminary Physical Examination for Candidates for the Naval Academy" which is convened at each naval hospital. Upon completion of the examination, the Report of Medical Examination, Standard Form 88, in quadruplicate and Report of Medical History, Standard Form 89, shall be forwarded immediately as prescribed by the Manual of the Medical Department. The fact of the examination and the date of forwarding the Standard Forms 88 and 89 will be entered on the man's application card, which will be returned to the commanding officer. Since an applicant will incur considerable expense in preparatory study and travel, the advisability of appearing before the above named board instead of before a single medical examiner should be suggested to each applicant, as the findings of this board would predetermine to a greater extent his ability to pass the final physical examination at the Naval Academy which is conclusive for all purposes.

(6) Must be recommended by their commanding officers. No other recommendations are necessary. If a candidate is transferred prior to 1 October of the year preceding his competitive examination for appointment, the commanding officer of the organization from which he is being transferred will prepare all reports and recommendations as required above and forward them to the Bureau of Naval Personnel via the organization to which the candidate is being transferred.

(7) Must take a competitive examination which is held on the last Wednesday

in March of each year and is the regular examination given to candidates nominated for appointment as midshipmen.

(8) Must meet the same moral, mental, and physical requirements as are required of other candidates for appointment as midshipmen. Regulations governing the admission and sample examination questions may be obtained upon application to the Bureau of Naval Personnel through official channels.

(c) The candidate's commanding officer shall forward to the Bureau of Naval Personnel, as soon as practicable, after the last Wednesday in March, a report showing attendance at the required number of drills.

(d) Except in time of national emergency or war, reservists are not eligible to attend the Naval Preparatory School and may not be assigned to active duty for this purpose, either with or without pay.

(e) Any enlisted man of the Naval Reserve making application for appointment to the Naval Academy who has made a false statement as to his age when applying for enlistment or subsequent thereto shall be automatically barred from competing for such appointment, and his further retention as a member of the Naval Reserve will be decided on the merits of the case and the recommendations of his commanding officer. If discharge is directed, the man will be given a special order discharge—"For misstatement of age."

(f) In time of national emergency or war, when the mobilization of the Naval Reserve makes attendance at drills as contemplated in paragraph (b) (3) of this section impracticable, the Chief of Naval Personnel may prescribe eligibility requirements for appointments to the Naval Academy from the Naval Reserve and for attendance at a Naval Preparatory School.

§ 713.328 *Appointment of Merchant Marine officers as officers of the Naval Reserve.* [Reserved.]

#### ENLISTMENTS, REENLISTMENTS AND EXTENSIONS

§ 713.331 *Responsibility for recruiting.* (a) Commandants, the Chief of Naval Air Reserve Training, and the Navy Recruiting Service are responsible for recruiting and processing men and women for enlistment in the Naval Reserve.

(b) The commandants and the Chief of Naval Air Reserve Training shall establish community relationships advantageous to the Naval Reserve program and shall conduct recruiting programs necessary to maintain the enlisted strength of the Naval Reserve.

(c) Activities responsible for the separation of personnel shall recruit individuals being separated from active duty to insure that fully trained personnel with recent naval experience are guided into the Naval Reserve.

(d) Commandants and the Chief of Naval Air Reserve Training are authorized to delegate Naval Reserve recruiting responsibility to activities and officers under their command. They may appoint commanding officers of pay and non-pay units of the Naval Reserve and

other officers of the Navy and the Naval Reserve under their command as Naval Reserve recruiting officers.

(e) The Navy Recruiting Service shall actively participate in recruiting for drilling units of the Naval Reserve and the Active Status Pool.

§ 713.332 *Administration of oaths and enlistment process.* (a) The Chief of Naval Personnel will issue detailed procedures in Naval Reserve recruiting instructions for processing enlistments and reenlistments.

(b) Enlistments in units and the Active Status Pool may be processed by commanding officers of units, commanding officers of naval air stations, commanding officers of Naval Air Reserve training units, and Regular Navy recruiting officers. In addition, Naval Reserve recruiting officers may process enlistments in the Active Status Pool.

(c) All officers authorized to administer oaths for enlistments and appointments in the Naval Reserve shall indicate after their signature, their grade, branch of service, and capacity in which serving at the time of administering the oath.

(d) Commanding officers of units of the Marine Corps Reserve are authorized to act as Naval Reserve recruiting officers for the purposes of effecting enlistments of medical group rates to fill their allowances.

(e) Qualified applicants may be enlisted directly into pay and non-pay units of the Naval Reserve within established allowance and quota assignments.

§ 713.333 *Terms of enlistment and reenlistment.* [Reserved.]

§ 713.334 *Age limits for enlistment and reenlistment.* (a) Men shall have reached their 17th and women their 18th birthday before being enlisted in the Naval Reserve. The maximum calendar age of any enlisted member of the Naval Reserve in an active status shall not exceed 64 years. The maximum computed age for enlistment or reenlistment in the Naval Reserve shall not exceed 44 years' computed age. The computed age of an applicant for enlistment in the Naval Reserve is determined by subtracting his prior active and inactive military service from his calendar age.

(b) Subject to the limitations established in paragraph (a) of this section, the Chief of Naval Personnel will establish appropriate age levels for enlistment or reenlistment in the Naval Reserve.

§ 713.335 *Enlistment and reenlistment in rate.* (a) Personnel who have had no prior military service normally will be enlisted in pay grade E-1 in a rate appropriate to the type of training assigned.

(b) The Chief of Naval Personnel may authorize the enlistment or reenlistment of personnel whose occupations and training make them especially desirable for organizations of the Naval Reserve, or whose services are needed for mobilization requirements in rates commensurate with their abilities.

(c) Individuals who have had prior Navy or Coast Guard service, may be



enlisted or reenlisted in the rates in which last discharged from such service. Persons who during a term of Navy or Coast Guard service earned a rate and subsequently reenlisted in an inferior pay grade in a Regular component of a branch of the Armed Forces may be enlisted or reenlisted in the Naval Reserve in the higher rate.

(d) Individuals whose only service has been in a branch of the Armed Forces other than the Navy or Coast Guard may qualify for rates in the Naval Reserve under special programs established by the Chief of Naval Personnel in a pay grade corresponding to that held at the time of discharge from prior active military service, except that the maximum pay grade assigned shall be E-3.

(e) During periods when the Naval Reserve has reached its planned strength, or when it is apparent that the skills required for rates in any field have changed or have deteriorated through lack of continuous training, the Chief of Naval Personnel will institute appropriate broken service reenlistment regulations.

**§ 713.336 Extension of enlistment.** (a) Enlisted members of the Naval Reserve serving on active duty may, subject to approval of the commanding officer, be permitted to extend their enlistments for periods of 1, 2, 3, or 4 years. The provisions of Article C-1406 of the Bureau of Naval Personnel Manual shall apply relative to extension and cancellation of extension while on active duty except that extension or reextension of one year will be authorized only by the Chief of Naval Personnel in specific cases where:

(1) An enlisted person has an approved application for transfer to duty for which additional obligated service is required, such as to a service school or tour of shore duty, or where additional obligated service is necessary for a foreign cruise or foreign duty;

(2) The applicant requires one year or less of additional service in order to qualify for retirement; or

(3) It is found that other good reasons exist for such extension.

(b) Enlisted personnel of the Naval Reserve not on active duty may when authorized under pertinent directives, be permitted to extend their enlistments. Agreements to extend enlistments when authorized shall be prepared and effected on the same form and in the same manner as for members serving on active duty by the organizations or commanders having custody of service records of individuals concerned. The following regulations governing such extensions shall apply:

(1) In order to be valid, an agreement to extend enlistment must be entered into by the individual concerned prior to or on the date of expiration of enlistment. Unless authorized by the Chief of Naval Personnel, an individual will not be permitted to agree to extend his enlistment prior to three months before the end of the term of his enlistment.

(2) A physical examination is required prior to the effective date of an extension of enlistment. (See § 713.391.)

(3) Extension of an enlistment is binding upon proper execution of the Agreement to Extend Enlistment form but if executed during the contracted period of enlistment it does not become operative until the date next following the date of expiration of enlistment. In the cases of an Agreement to Extend Enlistment executed during a period of involuntary extension the agreement becomes operative on the date next following the date of execution. In such cases, the date of execution is the date the member signs the agreement to Extend Enlistment form.

(c) *Cancellation of agreements to extend enlistment of reservists not on active duty.* (1) Commanding officers shall cancel agreements to extend enlistment, prior to effective dates, in the following cases:

(i) When the member is discharged prior to normal expiration of enlistment for reasons outlined in § 713.413 (Date of cancellation to be date of issue of orders for discharge).

(ii) When an individual, upon being physically examined for the extension, is found to be not physically qualified for retention in the service.

(iii) When an individual is not considered suitable material for retention in the service.

(2) Commanding officers are authorized to cancel agreements to extend enlistment on the effective date of the extension provided that on that date the individual concerned executes an enlistment contract for any authorized period of enlistment, but not less than for the term of the extension agreement.

(3) In all cases of cancellation a notation thereof shall be made on the service record copy of the Agreement to Extend Enlistment form. The reason for the cancellation shall be entered on page 13 of the service record, together with a statement as to whether or not the individual is recommended for reenlistment. A duplicate copy of the page 13 shall be forwarded to the Chief of Naval Personnel.

(d) Enlistments are subject to involuntary extension in time of war or national emergency.

#### PRECEDENCE

**§ 713.341 General precedence policy.** Officers of each grade in the line and staff corps of the Naval Reserve shall take precedence for all purposes with all other line and staff corps officers of the same grade in the Regular Navy and among themselves in accordance with the dates of rank as stated in their commissions. Reserve officers and Regular officers of the same grade who have the same date of rank shall take precedence

among themselves as determined by the Secretary of the Navy

**§ 713.342 Precedence of officers of grade of ensign and below.** The relative precedence of officers of the grade of ensign and below is as follows:

(a) Ensigns, United States Navy and United States Naval Reserve.

(b) Commissioned warrant officers, United States Navy and United States Naval Reserve.

(c) Midshipmen, United States Navy and United States Naval Reserve.

(d) Warrant officers, United States Navy and United States Naval Reserve.

**§ 713.343 Date of rank of former officers of the Regular Navy, Naval Reserve or Coast Guard appointed in the Naval Reserve.** (a) Former officers of the Regular Navy or Coast Guard who submit requests for appointment in the Naval Reserve within three years of their dates of honorable separation will be assigned grades and dates of rank as determined by the Chief of Naval Personnel except when otherwise provided by law.

(b) Former Naval Reserve officers who submit requests for reappointment within three years of their dates of honorable separation will be assigned grades and dates of rank as determined by the Chief of Naval Personnel except when otherwise provided by law.

(c) Former officers of the Regular Navy, Naval Reserve, and Coast Guard who submit requests for appointment in the Naval Reserve and who have been honorably separated for a period of more than three years will be processed as civilian applicants in accordance with current officer procurement directives.

#### DISTRIBUTION

**§ 713.351 Orders to inactive-duty training.** (a) Subject to training quotas and such regulations as the Chief of Naval Personnel may prescribe and the further limitations provided in the Tables of Organization of the Naval Reserve for personnel in a pay status, reservists may be issued individual orders to perform inactive-duty training. When the reservist is a member of a unit, the standard order form shall be used. No reservist may be issued more than one set of orders to inactive-duty training at any one time except for orders for special periods of inactive-duty training as prescribed in § 713.535 or temporary additional duty orders under instruction for student reservists as prescribed in paragraph (d) of this section.

(b) The following commands are authorized to issue orders for inactive-duty training with pay and non-pay units:

#### OFFICER PERSONNEL

Type of unit	Pay status	Order issuing command
Pay unit.....	Drill pay.....	BUPERS. Commandant or CNARESTRA upon receipt of BUPERS approval.
Pay unit.....	Associate pay.....	
Pay unit.....	Associate nonpay.....	Commandant or CNARESTRA. Commandant, CINCLANT, CINCNELM, COMNAVGER, CINPAC, COMNAVFE, COMNAVPHIL, COMNAV-MARIANAS.
Nonpay unit.....	Drill pay or nonpay.....	



## ENLISTED PERSONNEL

Type of unit	Pay status	Order issuing command
Pay unit.....	Drill pay, associate pay, associate non pay,	Commanding officer of unit on receipt of enlisted service record.
Nonpay unit.....	Drill pay, nonpay.....	Commandant, CINCLANT CINCNELM, COMNAVGER, CINCPAC, COMNAVFE, COMNAVPHIL, COMNAV-MARIANAS.

(c) Commandants are authorized to issue appropriate duty orders in accordance with § 713.517 and such additional instructions as the Chief of Naval Personnel may prescribe.

(d) Subject to regulations prescribed by the Chief of Naval Personnel commanding officers of pay and non-pay units are authorized to issue "Temporary Additional Duty Orders Under Instruction" to student reservists during the summer months for assignment in an associate non-pay status with a drilling unit in the community where they reside during the summer months.

(e) Retired personnel or personnel on the inactive status list shall not be ordered to inactive-duty training with or without pay unless directed by the Chief of Naval Personnel.

§ 713.352 *Orders to active duty for training.* Within the training quotas and funds allocated and subject to regulations prescribed by the Chief of Naval Personnel, reservists in active status may be issued individual orders to active duty for training with or without pay and allowances. Orders with or without pay for periods in excess of fourteen (14) days or for more than one period of fourteen (14) days duration in a fiscal year may not be issued without prior approval of the Chief of Naval Personnel. Orders shall be issued on standard forms and subject to the restrictions set forth in § 713.85. A reservist in an active status may be ordered to active duty for training for a period not to exceed fourteen (14) days annually without his consent only when authorized by the Chief of Naval Personnel. Commands listed below are authorized to issue orders to reservists in active status under their cognizance:

Commandants of naval districts.  
 Commandant, Potomac River Naval Command.  
 Chief of Naval Air Reserve Training.  
 Commanding officers of naval air stations and Naval Air Reserve training units under the cognizance of the Chief of Naval Air Reserve Training (only to personnel in a drill pay status).  
 Commander-in-Chief, U. S. Atlantic Fleet.  
 Commander-in-Chief, U. S. Pacific Fleet.  
 Commander-in-Chief, U. S. Naval Forces Eastern Atlantic and Mediterranean.  
 Commander, Naval Forces, Germany.  
 Commander, Naval Forces, Philippines.  
 Commander, Naval Forces, Marianas.  
 Commander, Naval Forces, Far East.  
 Commander, Naval Forces, Middle East.

(a) *Active duty for training with pay and allowances.* No command is authorized to issue orders to active duty for training with pay and allowances unless the command has been allocated funds by the Chief of Naval Personnel.

(b) *Active duty for training without pay.* (1) Commandants are authorized to issue orders to active duty for training without pay and allowances only to

activities within the geographic limits of their commands. Requests for such duty to be performed outside the geographic limits of the ordering command shall be referred to the Chief of Naval Personnel for approval.

(2) Commanding officers of naval air stations and Naval Air Reserve training units shall refer all requests for active duty for training without pay to the Chief of Naval Air Reserve Training for approval. The Chief of Naval Air Reserve Training may approve such requests only when Government transportation is available for the performance of travel in connection with the training duty.

(3) Care should be exercised in the issuance of orders to active duty for training without pay and allowances so that travel costs at Government expense may be kept to a minimum consistent with the implementation of proper training for the maximum number of personnel. Subsistence will be furnished in accordance with paragraph 41154-2, (Volume IV), Bureau of Supplies and Accounts Manual.

(c) *Active duty for training outside the continental United States.* The performance of active duty for training is not authorized in sovereign foreign countries except upon prior approval of the Chief of Naval Personnel. Force and area commanders authorized to issue active duty for training orders with or without pay to personnel under their cognizance may conduct such training duty only in possessions, occupied territories, or aboard ships of the fleet and only if Government transportation is available for the performance of travel in connection with the duty.

(d) *Group active duty for training.* Written authorization for reservists to perform group active duty for training without pay in vessels or at shore activities under the cognizance of a commandant must be issued prior to commencement of such training. Such orders shall authorize group active duty for training without pay for a period of not less than eight (8) hours nor more than four (4) days. These orders may be issued by the commandant concerned or by officers designated by him and shall prescribe the method of subsistence in accordance with provisions of the Bureau of Supplies and Accounts Manual.

Officers and enlisted personnel shall not, by reason of being ordered to active duty for training, be removed from the rolls of the district from which so ordered unless during the period of active duty a change in mailing address is effected to a different naval district. Retired personnel or personnel on the inactive status list shall not be ordered to active duty for training with or without pay unless directed by the Chief of Naval Personnel.

§ 713.353 *Orders to active service.*

(a) In time of peace, orders to Naval Reserve officers to perform active naval service will be issued by the Chief of Naval Personnel. Similar orders to enlisted personnel of the Naval Reserve will be issued by the commandants or by the Chief of Naval Air Reserve Training in accordance with quotas authorized by the Chief of Naval Personnel.

(b) In time of war, orders to both officers and enlisted personnel to perform active naval service will be issued by the Chief of Naval Personnel, or under his instructions, by commandants, the Chief of Naval Air Reserve Training, or other designated officers.

(c) Upon mobilization, Naval Reserve officers will be ordered to active naval service in accordance with their special qualifications. The mobilization of the Naval Reserve, when ordered, will be accomplished in accordance with instructions promulgated by the Chief of Naval Personnel.

(d) Reservists in receipt of orders to active duty shall comply with the provisions of such orders.

§ 713.354 *Active duty agreements.*  
[Reserved.]

## TRANSFERS

§ 713.361 *Assignment of personnel to units and transfer to the active status pool.* (a) Personnel in active status in the Naval Reserve may be assigned to pay and non-pay units upon their application provided they are in all respects qualified in accordance with current instructions. Such assignment will be accomplished in accordance with administrative procedures prescribed by the Chief of Naval Personnel and within authorized allowances and quotas.

(b) Personnel assigned to units in a pay or non-pay status who are unable to conform to the requirements of the appropriate units, or have demonstrated their unsuitability therefor, or for other authorized reasons may be transferred to the Active Status Pool.

§ 713.362 *Transfer between units—*  
 (a) *Officers.* The commandants and the Chief of Naval Air Reserve Training are authorized to transfer officers between units under their jurisdiction as follows:

(1) In a pay status provided the officer concerned is fully qualified to fill the billet requested and a vacancy exists.

(2) In an associate pay status provided a vacancy exists.

(3) In a non-pay status.

All other requests for transfer between units shall be forwarded to the Chief of Naval Personnel via appropriate commands for approval.

(b) *Enlisted.* The commandants, the Chief of Naval Air Reserve Training, or such unit commanders as they may designate or may hereafter be designated by the Chief of Naval Personnel are authorized to transfer enlisted personnel between units. Appropriate entries of all transfers of enlisted personnel shall be made in their service records. Copies of orders and endorsements thereto effecting such transfers shall be forwarded to the Chief of Naval Personnel.



§ 713.363 *Transfers between ships and stations.* (a) Reservists performing active duty for training may be transferred from the ship or station in which the training was authorized to another ship or station by the commandant, the commanding officer who authorized the training, or by the senior officer present provided no expense to the government is involved, and training can be more effectively carried on by reason of such transfer.

(b) In cases of emergency, personnel on active duty for training may be transferred without prior authority by the commanding officer of a ship or station.

§ 713.364 *Transfers to or from districts.* A reservist whose mailing address is changed from one naval district or river command to another or to or from an address abroad as defined in § 713.441 shall be transferred to the command having jurisdiction over the area in which the new mailing address is located subject to the provisions of § 713.211.

#### PROMOTION OF OFFICERS

§ 713.371 *General promotion policy.* (a) Except in cases wherein they may be promoted under other provisions of law, officers of the Naval Reserve in an active status will insofar as practicable be advanced in grade in their respective corps in a manner similar to that prescribed for officers of the Regular Navy, and in such numbers for each grade as may be prescribed from time to time by the Secretary of the Navy.

(b) Except temporary promotions effected pursuant to provisions of the Officer Personnel Act of 1947, as amended, no officer of the Naval Reserve shall be advanced to a higher grade until he has qualified therefor by such mental, moral, professional and physical examinations as the Secretary of the Navy may prescribe.

(c) The number of officers that boards may recommend for promotion to the next higher grade shall be based on the strength determination provided for in § 713.21.

§ 713.372 *Lineal precedence for promotions.* (a) For purposes of consideration for promotion, male officers of the Naval Reserve will be arranged in a lineal precedence list in each grade and corps, according to dates of commission therein. Each Reserve officer shall have a running mate of the same grade who shall be the line officer, not restricted by law in the performance of duty, on active duty on the lineal list of the Navy next junior to him; however, if there is no such officer whose dates of rank in current grade and each lower grade are the same as that of the Reserve officer concerned, such running mate shall be the next senior if the Reserve officer's date of rank in any grade in which different is nearer the next senior; or the running mate shall be the officer next junior if the Reserve officer's date of rank in any grade in which different is midway between the next senior and next junior, or nearer the next junior officer on active duty on the lineal list.

(b) For purposes of consideration for promotion, women officers of the Naval

Reserve will be arranged in a lineal precedence list in each grade and corps, according to dates of commission therein. Each woman Reserve officer shall have a running mate of the same grade who shall be a woman line officer of the Regular Navy, assigned as in paragraph (a) of this section.

(c) For purposes of consideration for promotion, officers of the Nurse Corps of the Naval Reserve will be arranged in a lineal precedence list in each grade, according to dates of commission therein. Each officer of the Nurse Corps of the Naval Reserve shall have a running mate of the same grade who shall be an officer of the Nurse Corps of the Regular Navy, assigned as in paragraph (a) of this section.

§ 713.373 *Promotion by seniority on lineal precedence list.* (a) Officers of the Naval Reserve will be promoted in order of their seniority in accordance with provisions of this section. Officers recommended for promotion in the approved report of a selection board shall be promoted, upon qualification therefor, at as nearly as possible the same time as their running mates are promoted or would have been promoted had they been selected.

(b) Certain officers, below the promotion zone, who have attained widespread prominence in some specialty of vital importance to the Navy may be recommended to the selection board by the office or bureau having cognizance of that specialty, provided they meet the requirements for eligibility established by the Chief of Naval Personnel. Such officers, if selected, will be promoted after the most junior selectee of the same board who was in the promotion zone.

§ 713.374 *Eligibility for consideration for promotion.* (a) With the exception of Nurse Corps Reserve officers above the grade of lieutenant (junior grade) and women officers of the Naval Reserve, the Reserve officers who are eligible for consideration for promotion at any time, subject to mobilization requirements, are those who meet the requirements for eligibility established by the Chief of Naval Personnel and whose running mates are in or above the promotion zone for unrestricted line officers of the Regular Navy of the same grade.

(b) The women officers of the Naval Reserve who are eligible for consideration for promotion at any time, subject to the mobilization requirements, are those who meet the requirements for eligibility established by the Chief of Naval Personnel and whose running mates are senior or equal to the junior officer selected for promotion among the officers of the Navy Nurse Corps of the same grade.

(c) The officers of the Nurse Corps Reserve above the grade of lieutenant (junior grade) who are eligible for consideration for promotion at any time, subject to mobilization requirements, are those who meet the requirements for eligibility established by the Chief of Naval Personnel and who are senior or equal to the junior officer selected for promotion among the officers of the Navy Nurse Corps of the same grade.

§ 713.375 *Selection boards.* (a) No Reserve officer shall be promoted to a grade higher than lieutenant (junior grade) except upon the recommendation of a selection board.

(b) For the purpose of complying with the above, selection boards will be convened by order of the Secretary of the Navy, from time to time, as may be required. Each such board will normally be composed of not less than five (5) officers of the corps and of or above the grade for which selections are to be made. The membership of selection boards considering both regular and reserve personnel shall include reserve representation in a number substantially equal to the proportion that reserve personnel under consideration bears to the total of regular and reserve personnel being considered. The membership of selection boards considering reserve personnel only shall include at least a majority of reserve members. The procedure will, in general, be the same as that followed by selection boards for the Regular Navy.

(c) The promotion of Reserve warrant officers to the grade of chief warrant and chief warrant officers to higher warrant grades shall likewise be upon the recommendation therefor by a selection board.

§ 713.376 *Appointments to higher grades.* (a) Reserve officers recommended by selection boards may be appointed to the higher grade and assigned dates of rank corresponding to those of their running mates.

(b) Reserve ensigns may be permanently appointed to the grade of lieutenant (junior grade) on the third anniversary of their date of rank, without selection, provided their service in the grade of ensign has been satisfactory. Whenever the active list running mate of a Reserve ensign is temporarily appointed to the grade of lieutenant (junior grade) with less than three (3) years service in grade, the Reserve ensign may likewise be temporarily appointed to the grade of lieutenant (junior grade) on the same basis.

§ 713.377 *Qualification for promotion.* Upon appointment to a higher grade, a Reserve officer must qualify for and accept the promotion within the time limit prescribed in the appointment directive. Professional qualifications will be established by the earning of promotion points in accordance with current regulations. Physical qualification will be established on the basis of examination by one or more medical officers, with review by a board of medical examiners, or by such other methods of qualification as may be authorized.

#### ADVANCEMENT AND CHANGES IN RATES OR RATINGS

§ 713.381 *Administration and general conditions.* (a) It shall be the responsibility of commanding officers to initiate action for advancements, changes in rate and rating, and changes in chief petty officer status of enlisted personnel within their immediate command jurisdictions.

(1) Commanding officers of units shall effect such advancements and changes subject to the approval of the



cognizant commandant, the Chief of Naval Air Reserve Training, or the Chief of Naval Personnel, as required in certain specific cases.

(2) The commandants and the Chief of Naval Air Reserve Training shall administer the advancements and changes in rates and ratings of enlisted reservists serving as stationkeepers in Training and Administration, Naval Reserve (TAR) billets within their respective command jurisdictions.

(3) Enlisted reservists on active duty in general assignment billets of the Regular Navy advance and change in rates and ratings in accordance with the provisions of Part C, Chapter 7, Section 2 of the Bureau of Naval Personnel Manual.

(b) The general requirements involved in advancements and changes parallel those prescribed in Part C, Chapter 7, Section 2, of the Bureau of Naval Personnel Manual for the Regular Navy insofar as practicable. Requirements are adjusted, however, to be consistent with each of the several types of service which may be performed in the Naval Reserve.

(c) Normally, personnel may advance only one pay grade at a time and only within organizational limitations if such apply.

(d) Changes in rate or rating are effected only within the same pay grade and within organizational limitations if such apply.

(e) When an individual is found to lack qualifications to perform the duties of his rate, the case may be referred to the Chief of Naval Personnel for action.

(f) The Chief of Naval Personnel will issue instructions from time to time which will amplify the procedures and requirements prescribed in this section. Also, when conditions warrant, he will authorize and direct deviations from normal procedure and issue modifications in specific instances.

**§ 713.382 Requirements for advancement.** (a) In order to become eligible for advancement in rate or rating, enlisted personnel must first complete the following general requirements:

(1) *Service requirements.* Prescribed periods of time shall be served in each pay grade to establish eligibility for advancement to the next higher pay grade.

(2) *Curriculum, Navy training course, and correspondence course(s).* A curriculum, training course, or correspondence course(s) appropriate to the rate for which the individual is a candidate normally shall be completed.

(3) *Practical factors.* These appear in the Manual of Qualifications for Advancement in Rate or Rating, NavPers-18068, and those factors both military and professional as prescribed for the rate involved must be satisfactorily completed.

(4) *Examination in military and professional subjects.* A written examination on the subject "Military Requirements for All Enlisted Personnel" and on the professional subjects for the rate involved as prescribed in the Manual of Qualifications for Advancement in Rate and Rating, NavPers-18068 must be satisfactorily completed.

(5) *Recommendation.* The commanding officer's recommendation shall serve as verification that all requirements are fulfilled and the individual is considered qualified for advancement.

(b) Specific requirements and conditions for advancements and changes in rates, ratings, and chief petty officer status will be prescribed by the Chief of Naval Personnel.

#### PHYSICAL QUALIFICATIONS

**§ 713.391 Physical examinations—(a) Occasions for complete physical examinations.** Except when expressly waived by the Chief of Naval Personnel, a complete physical examination is required on the following occasions:

(1) Prior to appointment, enlistment, reenlistment, or extension of enlistment;

(2) Prior to entry upon active duty, annually while on active duty (officers only), and prior to release therefrom;

(3) Prior to active duty for training of more than fourteen (14) days' duration, and prior to release therefrom;

(4) Prior to attachment to or association in a pay status with a pay unit;

(5) A satisfactory flight physical examination at least annually for reservists not on active duty who are engaged in inactive-duty training involving actual control of aircraft in flight;

(6) At least quadrennially while not on active duty;

(7) Prior to promotion;

(8) Prior to transfer from the Inactive-Status List, if transfer thereto was the result of physical disability;

(9) Whenever special examination may be directed by competent authority;

(10) Prior to fourteen (14) days' training duty in those cases where the applicant is in receipt of disability allowance or pension from the United States Government.

(b) *Occasions for limited physical examination.* In the event physical fitness based on standards prescribed in § 713.393 was determined on occasions described in paragraph (a) of this section, and the member is not in receipt of any pension or physical disability allowance from the United States Government, the extent of physical examination given prior to performing active duty for training for fourteen (14) days shall be sufficient to determine that the individual is physically qualified to perform duties assigned, and is free from infections or contagious disease. Prior to detachment, the examination shall be sufficient to determine whether the reservist's health has been adversely affected by the performance of such duty. A report of the physical examination shall be recorded in the health record of each individual concerned, as follows:

Examined and found (not) physically qualified for active duty for training.

Following defects noted -----

Examined and found (not) qualified for release from active duty for training.

Following defects noted -----

(c) *Physical examination not required.* If physical fitness based on standards prescribed in § 713.393 was established by one of the examinations prescribed in paragraph (a) of this section within the last four (4) years, re-

servists normally need not be examined physically on the following occasions:

(1) Prior to association with a pay unit in a non-pay status;

(2) Prior to attachment to a non-pay unit;

(3) Prior to performing group active duty for training;

(4) Prior to performing appropriate duty with or without pay.

Before approving assignment to the above types of training the commandant or the Chief of Naval Air Reserve Training, as appropriate, shall insure that the current certificate of physical condition for the particular reservist is on file. If this certificate indicates questionable physical qualifications, a complete physical examination may be required.

(d) *By whom conducted.* (1) Examinations of officers for appointment and for entry upon active duty normally will be conducted by a board of naval medical examiners composed of naval medical and dental officers on active duty. Where not practicable to assemble such a board, the examinations may be conducted by one naval medical officer on active duty.

(2) Other examinations prescribed in this article normally will be conducted by one naval medical officer. If such officer is not available without incurring expense to the Government, these examinations may be conducted by a medical officer of another branch of the Armed Forces, when authorized by the cognizant commandant or equivalent administrative authority. In exceptional circumstances, upon authorization as above, promotion examinations for Reserve officers not on active duty and quadrennial examinations may be conducted by qualified civilian physicians.

(3) Examinations of officers who perform duties involving flying in actual control of aircraft shall be conducted by those medical officers of the Navy or of other branches of the Armed Forces, who are authorized to conduct flight examinations; and who are then performing active duty, active duty for training, or inactive-duty training under competent orders.

(4) Certain special examinations and consultations shall be conducted as prescribed for the circumstances by the Manual of the Medical Department, U. S. Navy.

**§ 713.392 Quadrennial physical examinations.** (a) When not on active duty, all members of the Naval Reserve except members of the Retired Reserve, shall be examined physically at least once during each four-year period based on standards prescribed in § 713.393 by medical officers of the Regular Navy or Naval Reserve utilizing Naval Reserve medical officers not on active duty to the maximum degree. Such four-year period will be considered as commencing on the day following the date upon which a physical examination reported on Standard Form 88 was conducted.

(b) In determining physical qualifications for active duty, due consideration shall be given to the character of the duty to which the member may be assigned in the event he should be ordered to active duty pursuant to law.



Disposition of those reservists found not physically qualified for retention in the service shall be in accordance with current directives.

(c) Commanding officers of units holding medical records of reservists, commandants of naval districts and river commands for all other reservists under their jurisdiction, the Chief of Naval Air Reserve Training, and appropriate area or force commanders will be responsible for the notification of members of the Naval Reserve under their jurisdiction when they become due for their next quadrennial physical examination. Such members shall be notified at least sixty (60) days in advance of the dates on which they will become due for the quadrennial physical examination. Disposition of those reservists who fail to appear for this physical examination within thirty (30) days following the date on which they become due therefor and who have been so notified will be as determined by the Chief of Naval Personnel.

§ 713.393 *Physical standards.* (a) Physical standards prescribed in the Manual of the Medical Department, U. S. Navy were applicable alike to the Navy and the Naval Reserve. Subject to the provisions of paragraph (b) of this section, they will be rigidly adhered to in determining an individual's physical fitness for appointment or enlistment, for retention, and for assignment to specialized categories of service such as duty involving flying and duty in submarines.

(b) In order to procure the personnel required by the Naval service in time of war or national emergency, nonorganic physical defects may be waived. Requests for waiver of such defects should be forwarded to the Bureau of Naval Personnel via the Bureau of Medicine and Surgery. Such requests should be held to a minimum consistent with procurement needs, but in any event should be limited to cases wherein the individual's potential worth to the Navy outweighs his inability to meet required standards. Such factors as age, prior naval or military experience, educational background, civilian occupational skills, and the exact nature of the duties contemplated for the individual will largely influence the decision in such cases. Disqualifying defects of an organic nature, which are described in the Manual of the Medical Department, U. S. Navy, will not be waived, and requests for such waiver should not be submitted unless doubt exists concerning the exact nature of the defects disclosed.

(c) Certain Reserve personnel not physically qualified for duty at sea or on foreign shore may be selected for mobilization assignment in specific continental Mobilization Station billets only. Eligibility requirements for this class of limited duty personnel are set forth in separate instructions.

§ 713.394 *Immunization of Naval Reservists.* (a) All members of the Naval Reserve reporting for active duty shall be vaccinated against smallpox, and initial or booster dosages of typhoid and

tetanus prophylaxis administered as appropriate. Procedures to be employed in time of rapid mobilization will be issued in a separate directive. Except in time of rapid mobilization the administration of such preventive measures may be deferred until arrival at a duty station. In meeting these initial requirements, a certificate or other record, evidencing immunization within twelve months is acceptable. This record of immunization shall be embodied in the health records. Individuals are to be immunized prior to subsequent duty in any category according to the requirements of the Manual of the Medical Department, U. S. Navy.

(b) Where immunization to the diseases referred to in the foregoing paragraph cannot be administered by naval activities, other activities may be authorized to administer them provided there is no expense to the Department of the Navy. Such activities may include Armed Forces activities other than naval, Veterans Administration, Public Health Service, local health departments and hospitals, and where necessary private physicians. Immunization provided by any of the above activities is acceptable, providing a certificate authenticating the fact is obtained and forwarded to the custodian of the reservist's health record for incorporation therein.

§ 713.395 *Certificate of physical condition.* Each member of the Naval Reserve with the exception of retired personnel and personnel on active duty will be required to submit an annual certificate of his physical condition. The form for submission of the annual report of physical condition will be in accordance with such instructions as may be prescribed by the Chief of the Bureau of Medicine and Surgery. Failure to submit the required report will result in discharge of the reservist, orders to active duty for determination of physical condition, or such other action as is deemed appropriate by the Chief of Naval Personnel based on the merits of the case.

§ 713.396 *Physical qualifications for active service.* Before entry into active naval service, all personnel shall be physically qualified therefor. In the event that the recipient of orders should be found physically disqualified for the duty indicated therein, the unexecuted portions of the orders will be considered cancelled, unless a waiver of such disability is granted, or the disability was the subject of a prior waiver and has not changed in character nor increased in degree.

§ 713.397 *Reports and records of physical examinations.* (a) The findings of each physical examination, and appropriate entries describing incidents of injury, sickness, or disease shall be included in the reservist's health record and will become part of his medical history.

(b) Health records shall be maintained and reports of the above entries forwarded in accordance with the relevant provisions of the Manual of the Medical Department, U. S. Navy.

## DISCIPLINE

§ 713.401 *Reservists subject to Uniform Code of Military Justice.* (a) When serving on active duty or active duty for training, reservists are subject to the Uniform Code of Military Justice and the regulations and orders based thereon.

(b) When engaged in inactive-duty training authorized by written orders from competent authority which are voluntarily accepted, reservists are subject to the Uniform Code of Military Justice provided that such orders expressly state that the recipient is subject to the Code while performing inactive-duty training. Members of the Naval Reserve are amenable to disciplinary jurisdiction during all periods of inactive-duty training covered by such orders.

(c) Retired personnel of the Naval Reserve who are receiving hospitalization from an Armed Force are also subject to the Uniform Code of Military Justice.

(d) Additional policies and instructions relative to the amenability to disciplinary jurisdiction of reservists under certain conditions may be promulgated by directives from time to time as required.

§ 713.402 *Termination of amenability to naval jurisdiction.* Members of the Naval Reserve are not relieved of liability to disciplinary action for offenses occurring while on active duty or active duty for training or while otherwise subject to the Uniform Code of Military Justice solely by reason of discharge or release from such status. Such members may still be brought to trial by courts-martial for certain offenses, subject to the provisions of article 3 of the Code.

§ 713.403 *Administration of discipline—(a) Inactive-duty training.* Commanding officers of units will be responsible for the maintenance of discipline among personnel of their units when in a drill status or otherwise performing inactive-duty training. Commanding officers have authority under the Uniform Code of Military Justice over reservists when orders to the personnel concerned specify that they are subject to the provisions of the Uniform Code of Military Justice while attending drills or engaged in inactive-duty training and such orders have been voluntarily accepted by the personnel concerned.

(b) *Active duty for training.* In the case of reservists performing active duty for training, discipline shall be administered in the same manner as for Regular Navy personnel, with such modifications as may be necessitated by the conditions under which these personnel serve. The following instructions will serve as a guide in such cases:

(1) *Minor offenses.* When members of the Naval Reserve performing active duty for training commit minor offenses, the assigned punishment therefor shall not extend beyond the authorized period of such duty.

(2) *Major offenses.* When a breach of discipline is of such a character as to warrant trial by a special or a general court-martial, the offender shall be re-



tained in a duty status until completion of action in the case pursuant to Article C-10304 (3) (f) of the Bureau of Naval Personnel Manual.

(3) *Discharge for cause.* In any case in which it is considered by the commandant, the commanding officer of a unit, ship, or station at which the reservist is performing active duty for training or inactive-duty training that the individual concerned should not be retained in the service by reason of unsuitability, unfitness, or misconduct, a recommendation to that effect shall be made in accordance with the provisions of § 713.413.

#### SEPARATIONS

##### § 713.411 *Release from active duty.*

(a) Members of the Naval Reserve other than those in a disciplinary status shall not be retained on active duty without their consent beyond the periods required or authorized by law or by agreements executed by themselves and approved by competent authority.

(b) Members of the Naval Reserve may be released from active duty at any time by the Chief of Naval Personnel. In this connection, there will be observed such provisions for hearing before or recommendation by a board of officers as may be established by or pursuant to law in such circumstances as release because of physical disability or release of a member serving under an active-duty agreement prior to the expiration thereof.

(c) Orders effecting such release will be prepared and endorsed in accordance with the relevant instructions contained in Part C, Chapter 10, Section 4 of the Bureau of Naval Personnel Manual.

##### § 713.412 *Separation of officers on inactive duty.* [Reserved.]

§ 713.413 *Discharge of inactive-duty enlisted personnel.* (a) Unless otherwise indicated, the commandant or commanding officer, as applicable, is authorized and directed to effect discharges, without reference to the Bureau of Naval Personnel, of members not on active duty under the following conditions:

(1) *Expiration of enlistments.* Enlisted personnel shall, if otherwise eligible therefor, be discharged as of the date of expiration of enlistment as voluntarily or involuntarily extended, as appropriate, unless earlier discharge is authorized under pertinent directives. Personnel shall not be discharged upon expiration of enlistment or upon expiration of enlistment as extended in those cases where they have additional service obligations referred to in subparagraph (2) of this paragraph unless such discharge is authorized under pertinent directives.

(2) *Fulfillment of service obligations.* Enlisted personnel having service obligations under section 4 (d) of the Universal Military Training and Service Act shall, if otherwise eligible therefor, be discharged upon completion of the term of service required for fulfillment of such obligation as prescribed in pertinent directives. Personnel having such obligations shall not be discharged upon fulfillment thereof in those cases where a portion of an enlistment or extension thereof remains to be served unless such

discharge is authorized under pertinent directives.

##### (3) *Convenience of the Government.*

(i) Upon request and after receipt of written evidence of acceptance of an appointment to commissioned status in a Regular or Reserve component of another branch of the Armed Forces. Discharge will be effective as of the day next preceding acceptance of such an appointment.

(ii) Upon request and after receipt of written evidence of enlistment in a Reserve component of another branch of the Armed Forces for the purpose of enrolling in an officer training program. Included in this category are those who will be enrolled in the aviation cadet or Reserve Officer Training Corps programs of the Army or Air Force or in the Officer Candidate Course or Platoon Leaders Class of the U. S. Marine Corps. Discharge shall be effective as of the day next preceding acceptance of such an enlistment.

(iii) Upon request and after receipt of written evidence of acceptance for appointment in the U. S. Naval Academy, U. S. Military Academy, or the U. S. Coast Guard Academy. Discharge shall be effective as of the day next preceding acceptance of such appointment.

(iv) Upon request and after receipt of written evidence of enlistment in the Regular Army, Navy, Air Force, Marine Corps, or Coast Guard. Discharge shall be effective as of the day next preceding such enlistment.

(v) When inter-service transfers are authorized under Section 209, Armed Forces Reserve Act of 1952 (50 U. S. C. 929), discharge shall be effected as of the day next preceding the date of enlistment in the gaining Armed Force.

(vi) Upon request of the individual concerned and after receipt of written evidence from a licensed physician that a woman member is pregnant.

(vii) Upon request of the individual concerned and after receipt of written evidence that a woman member is the mother of a child under 18 regardless of the legal custody of the child; is the step-parent of a child under 18 and the child lives within the household of the woman for a period of more than 30 days a year.

(viii) Upon receipt of formal notice of induction into the active service of another branch of the Armed Forces from the Selective Service System, or from competent military authority as of the day next preceding the date of such induction.

(ix) Other good and sufficient reasons when authorized or directed by the Chief of Naval Personnel in accordance with such policies as may be adopted from time to time.

(4) *Physical disability.* Reservists who are found not physically qualified for active duty fall into one of the following categories:

(i) Members who are found not physically qualified for active duty upon being examined to determine their physical qualifications for call into military service.

(ii) Members who are found not physically qualified for active duty upon quadrennial or any duly ordered physical examination.

(iii) Members who upon application for reenlistment or upon extension of enlistment are found not qualified for such reenlistment. Instructions for the disposition of persons falling within the above categories will be issued by the Chief of Naval Personnel.

(iv) Members who are found not physically qualified for active duty upon review of medical information received in the Navy Department.

(5) *Hardship or dependency.* The discharge of reservists on inactive duty for reason of hardship or dependency will be effected only after approval of the Chief of Naval Personnel in each individual case and will be governed and processed in accordance with the provisions of Article C-10308 of the Bureau of Naval Personnel Manual. Special authority to direct discharge under certain conditions may be granted to specified commands by the Chief of Naval Personnel when considered appropriate.

(6) *Minority.* The discharge of reservists on inactive duty for reason of minority will be effected only after approval of the Chief of Naval Personnel in each individual case and will be governed and processed in accordance with the provisions of Article C-10309 of the Bureau of Naval Personnel Manual. Special authority to direct discharge under certain conditions may be granted to specified commands by the Chief of Naval Personnel when considered appropriate.

(b) *Discharge for cause.* (1) In any case in which it is considered that an enlisted person not on active duty should not be retained in the Naval Reserve, a detailed report including all available facts together with an appropriate recommendation shall be forwarded to the Chief of Naval Personnel.

(2) If a discharge is recommended by reason of unsuitability, inaptitude, or unfitness, the member concerned shall be so informed and shall be permitted to submit a statement in connection therewith, as provided in Article C-10310, C-10311, or C-10312, respectively, of the Bureau of Naval Personnel Manual, for persons serving on active duty. Reports of civil convictions or fraudulent enlistments shall be submitted in accordance with Article C-10313 of the Bureau of Naval Personnel Manual and shall include a statement from the person concerned, if feasible, and a recommendation relative to disposition. If, in any case, the individual does not desire to submit a statement a notation to this effect shall be made in his service record and shall be included in the report specified in subparagraph (1) of this paragraph.

(3) Enlisted reservists may be administratively discharged for cause only pursuant to the approved findings of a board of officers convened in the Bureau of Naval Personnel.

(c) Reservists will be discharged with the same type and character of discharge as provided for enlisted personnel of the Regular Navy.

#### RETIREMENT

§ 713.421 *Composition.* The Retired Reserve shall be composed of officers who were on the Honorary Retired List on 30 June 1938, members of the Naval Reserve



transferred to the Honorary Retired List thereafter in accordance with the Naval Reserve Act of 1938, and members of the Naval Reserve transferred to the retired list, in accordance with the Armed Forces Reserve Act of 1952.

#### § 713.422 Retirement without pay.

(a) In accordance with regulations prescribed by the Secretary of the Navy and upon his own application, a member of the Naval Reserve may be transferred to the Retired Reserve without pay. Such regulations shall apply to the following:

(1) Reservists who are found not physically qualified for active duty.

(2) Reservists who have attained the following ages in grade:

Commander	58
Lieutenant commander	52
Lieutenant	46
Lieutenant (junior grade)	40
Ensign	40

(3) Reservists who have completed a total of 20 years' honorable service.

(4) Reservists who have attained the age of 37 provided they have:

(i) Completed 8 years of satisfactory Federal service as defined in section 302 (b), Title III, Public Law 810, 80th Congress (34 U. S. C. 440i); or

(ii) Completed a minimum of 8 years' satisfactory Federal service as defined in section 306 (b), Title III, Public Law 810, 80th Congress (34 U. S. C. 440m), and have served honorably on active duty in time of war or national emergency for at least 6 months.

#### § 713.423 Advancement on retired list of officers who have been specially commended.

(a) Reserve officers who have been specially commended for their performance of duty in actual combat with the enemy, by the head of the executive department under whose jurisdiction such duty was performed, shall be advanced to the next higher grade when placed in the Retired Reserve, provided the performance of duty for which commended occurred not later than 31 December 1946. If recalled to active duty they shall be recalled in the higher rank except that those officers advanced to a rank above captain may, if recalled to active duty, be recalled either in the higher rank or in the rank for which they are otherwise eligible at the discretion of the Secretary of the Navy.

(b) The foregoing provisions of law will terminate 1 January 1973 and shall not be applicable to any person who is not a member of the Naval Reserve on 1 January 1953.

#### § 713.431 Retirement with pay.

(a) Any reservist who has performed a total of not less than 30 years' active Federal service, or who has had not less than 20 years' active Federal service, the last 10 years of which shall have been performed during the 11 years immediately preceding his transfer to the Retired Reserve, may be placed in the Retired Reserve upon his request. Except while on active duty, personnel transferred to the Retired Reserve, as provided, shall be entitled to pay at the rate of 50 percent of their active-duty rate of pay.

The foregoing provision of law will terminate on 1 January 1973 and shall not be applicable to any person who is not a member of the Naval Reserve on 1 January 1953.

(b) When any officer of the Naval Reserve has completed more than 20 years' active service in the Navy, Marine Corps, or Coast Guard including active duty for training, at least 10 of which shall have been active commissioned service, he may upon his own application, at the discretion of the President be placed upon the retired list. He shall receive retired pay at the rate of 2½ percent of the active-duty pay with longevity credit of the rank with which he was retired, multiplied by the number of years of service for which entitled to credit in the computation of his pay while on active duty not to exceed a total of 75 percent of such pay.

(c) When any reservist has completed 20 years of satisfactory Federal service, he is eligible at age 60 for retired pay upon his application provided he has served the last 8 years of qualifying service as a member of the Naval Reserve and is not eligible for nor receiving any other retired pay for military service. In addition if the reservist was a member of a Reserve component prior to 15 August 1945, he must have performed active Federal service during a portion of one or more of the following periods: 6 April 1917 to 11 November 1918, and 9 September 1940 to 31 December 1946. No period of service otherwise creditable in determining the eligibility of any person to receive, or the amount of, any annuity, pension, or old age benefit payable under any provision of law on account of civilian employment, in the Federal Government or otherwise, shall be excluded in such determination because such period of service may be included, in whole or in part, in determining the eligibility of such person to receive or the amount of, any retired pay payable as provided herein.

(1) He shall receive pay at an annual rate equal to 2½ percent of the active-duty annual base and longevity pay which he would receive if serving, at the time granted such pay, on active duty in the highest grade, temporary or permanent, satisfactorily held by him during his entire period of service, such percentage to be multiplied by a number equal to the number of years and any fraction thereof (on the basis of 360 days per year) which shall consist of the sum of the following:

(i) All periods of active Federal service.

(ii) One day for each point credited pursuant to § 713.432 provided, that no person shall be entitled to receive such retired pay at an annual rate in excess of 75 percent of said active-duty pay and that for each year of Federal service, other than active Federal service, performed as a member of a Reserve component prior to 1 July 1949, the reservist shall be credited with 50 days for each of such years.

§ 713.432 Satisfactory Federal Service defined. (a) Satisfactory Federal Service for the purpose of ascertaining the

period of eligibility for retirement benefits shall include both active Federal Service and service in an accredited Reserve component where a minimum of 50 retirement points is earned each year.

(b) Active Federal Service shall include all periods of active duty for training and all prescribed periods of attendance at such service schools as have been or may be designated as such by the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force for their respective services, or any other period of time when ordered to active duty under competent orders.

(c) A year of satisfactory Federal Service is credited for each year of active service, and for each year of Reserve service prior to 1 July 1949. Subsequent to 1 July 1949 personnel must earn a minimum of 50 credit points in an anniversary year to be credited with a year of satisfactory Federal Service.

(d) The anniversary year is 1 July to 30 June for personnel who were in the Reserve prior to 1 July 1949 so long as they remain continuously in a Federal Service status. For personnel who become members of the Naval Reserve subsequent to 1 July 1949 an anniversary year commences on the day they accept such membership and terminates on the day preceding the anniversary of this date.

(e) Reserve components recognized for accredited points for a year of satisfactory Federal Service include:

(1) The National Guard of the United States.

(2) The National Guard while in the service of the United States.

(3) The federally recognized National Guard prior to 1933.

(4) A federally recognized status in the National Guard prior to 1933.

(5) The Officers Reserve Corps and the Enlisted Reserve Corps prior to the enactment of Public Law 460, 80th Congress, approved March 25, 1948.

(6) The Organized Reserve Corps.

(7) The Army of the United States without component.

(8) The Naval Reserve and the Naval Reserve Force, excluding those members of the Fleet Reserve and the Fleet Reserve transferred thereto after completion of sixteen or more years of active naval service.

(9) The Marine Corps Reserve and the Marine Corps Reserve Force, excluding those members of the Fleet Marine Corps Reserve transferred thereto after completion of 16 or more years of active naval service.

(10) The Limited Service Marine Corps Reserve.

(11) The Naval Militia who have conformed to the standards prescribed by the Secretary of the Navy.

(12) The National Naval Volunteers.

(13) The Air National Guard.

(14) The Air Force Reserve (officers or enlisted sections).

(15) The Air Force of the United States without component.

(16) The Coast Guard Reserve.

(f) Service in the following components, among other, cannot be counted for retirement credit:

(1) Inactive National Guard.



- (2) Inactive Air National Guard.
- (3) Nonfederally recognized status of the National Guard.
- (4) Nonfederally recognized status of the Air National Guard.
- (5) Inactive Reserve Section of the Officers' Reserve Corps.
- (6) Inactive officers section of the Air Force Reserve.
- (7) Honorary Retired List of the Naval or Marine Corps Reserves, except while in active service.

(g) Retirement points may be earned as follows:<sup>1</sup>

- (1) One point for each day of active duty, including active duty for training and travel time. This includes group active duty for training.
- (2) One point for each duty authorized drill, including appropriate duty performed.
- (3) One point for each authorized period of equivalent instruction or duty performed.
- (4) The number of points for each correspondence course will be prescribed by the Chief of Naval Personnel.
- (5) Fifteen points for active membership in a Reserve component while not on active duty. An active membership is defined as membership in a Reserve component other than on the inactive status list or the retired list.

§ 713.433 *Procedure for requesting retirement with pay.* (a) Qualified members may apply for nondisability retirement benefits to the Secretary of the Navy or the President, as the case may be, via the commanding officer or commandant and the Chief of Naval Personnel. Those members applying pursuant to § 713.431 (c) may submit applications six (6) months prior to age sixty (60) or at any time after age sixty (60). If the application is submitted after the required age, the first day of the month following date of application is the effective date of commencement of retired pay.

(b) In case of members who apply pursuant to § 713.431 (c) and who are serving in a current enlistment, the commanding officer or commandant, as appropriate, shall record the points earned during the current enlistment in the first endorsement on the request.

§ 713.434 *Eligibility of former members for retired pay.* Former members of the Naval Reserve who have resigned or been discharged may apply for retired pay if qualified. Such former members may receive retired pay, but are not carried on the Retired List and are ineligible for any privileges or rights of the Retired Reserve. They retain their civilian status and are not subject to recall to active duty.

#### POLICY RELATING TO CIVIL MATTERS

§ 713.441 *Travel and residence abroad.* (a) The term "abroad" as employed herein is defined to include all areas not within the jurisdiction of any naval district or river command.

(b) Reservists not on active duty are required to obtain permission to travel

and reside abroad for periods in excess of thirty (30) days during periods of full mobilization from the Chief of Naval Personnel, and from the commandant or the Chief of Naval Air Reserve Training, as appropriate, at other times except as indicated below:

(1) Reservists employed in merchant vessels of United States or friendly foreign registry or in United States-owned commercial aircraft will not be required to obtain such permission while following their professions.

(2) Retired reservists when not on active duty are not required to obtain permission to travel and reside abroad for any length of time. Retired officers must, however, report their addresses while abroad and any changes thereto, by letter to the Chief of Naval Personnel via the cognizant commandant only.

(c) Reservists in inactive duty, except those referred to in paragraph (b) (1) of this section, may not visit foreign countries in which their position and personal safety may be jeopardized, unless authority to do so is granted by the Chief of Naval Personnel.

(d) The commandant or chief of Naval Air Reserve Training shall forward the original and one copy of the letter granting permission to travel and reside abroad to the reservists concerned, one copy to the Bureau of Naval Personnel, and two copies to the cognizant area commander. Reservists shall forward a copy of this authority to the State Department with application for a passport.

(e) Reservists who have been granted permission to travel and reside abroad, shall report their arrival and departure to the United States naval attaché, senior United States naval officer, or senior military attaché, as appropriate, if to be in any country for more than thirty (30) days. If it is impracticable to report in person, a letter report should be made via the most convenient United States diplomatic representative. If they are to be in a country less than thirty (30) days they should report as above if convenient.

(f) Officers of the Naval Reserve shall report the date of return to a naval district to the Bureau of Naval Personnel via the cognizant commandant or the Chief of Naval Air Reserve Training, as appropriate, and enlisted personnel shall report the date of return to a naval district to the cognizant commandant or the Chief of Naval Air Reserve Training, as appropriate.

(g) Reservists not on active duty or active duty for training including retired personnel, who are residing or visiting in a foreign country, shall not wear the uniform except when attending, by formal invitation, ceremonies or social functions at which the wearing of the uniform is required by the terms of the invitation or by the regulations or customs of the country, and then only with the approval of the appropriate area commander.

(h) Reservists shall not use their official naval titles in connection with public appearances while abroad unless authorized by the appropriate area commander.

(i) Participation in training by naval personnel who reside or travel abroad is limited:

(1) In sovereign foreign countries to correspondence courses and the performance of active duty for training aboard ships of the fleet except as the Chief of Naval Personnel may hereafter prescribe;

(2) In occupied countries, territories, or possessions to correspondence courses, active duty for training, and inactive-duty training in non-pay units of the Naval Reserve. Inasmuch as issues of clothing-in-kind are not available abroad, participation in Reserve training will be facilitated if reservists take uniforms with them.

(j) Records of reservists residing abroad for periods in excess of six months shall be maintained by the area or force commander having cognizance of such reservists.

§ 713.442 *Employment on inactive duty.* (a) When not on active duty, members of the reserve components are not considered to be officers or employees of the United States, or persons holding any office of profit or trust or discharging any official function under or in connection with any department or agency of the United States, solely by reason of their appointments, oaths, commissions, or status as such, or any duties or functions performed or pay and allowances received as such.

(b) Civil branch of public service: When not on active duty, reservists may accept employment in any civil branch of the public service of the United States and may receive the pay and allowances incident to such employment in addition to any pay and allowances to which they may be entitled for active duty for training or inactive-duty training.

(c) Civilian professions or occupations: When not on active duty, reservists may be employed in civilian professions or occupations including the practice of such professions or occupations before or in connection with any department of the Federal Government of the United States.

(d) Foreign governments: Subject to the approval of the Secretary of the Navy, reservists may accept civil employment and compensation therefor, with any foreign government or any concern which is controlled in whole or in part by a foreign government.

§ 713.443 *Use of official naval titles.* The use of official naval titles by Reserve personnel on inactive duty is authorized except as provided in § 713.31401 (h).

§ 713.444 *Military leave.* (a) All officers and employees of the United States or of the District of Columbia who are members of the Naval Reserve are entitled by law to leave of absence from their respective duties without loss of pay, time, or efficiency rating on all days during which they may be employed with or without pay under the orders of competent authority, on active duty or active duty for training, for periods not to exceed fifteen (15) days in a calendar year.

(b) Competent authority is defined as the Chief of Naval Personnel, the commandants, the Chief of Naval Air Reserve Training, and commands authorized to issue orders for active duty or active duty for training.

<sup>1</sup> Total retirement points earned in categories other than 7 (a) cannot exceed 60 per annum.



§ 713.445 *Civilian guests aboard Naval Reserve vessels and aircraft.* (a) Subject to current instructions of the Chief of Naval Operations, the commandants are authorized to grant requests of such civilians as they may deem proper, to embark as passengers on vessels, including motorboats, under their command which are assigned to the Naval Reserve for training purposes, provided accommodations are available and the presence of such passengers on board will not interfere with the proper training of the Naval Reserve.

(b) The names of such passengers and the dates of their arrival on board and departure shall be entered in the log book and reported to the Bureau of Naval Personnel in accordance with U. S. Navy Regulations.

(c) Before embarking on such cruises, civilian guests shall be required to sign a certificate of waiver in the following form:

I agree that any injury incurred by me on the cruise I am about to take shall be at my own risk.

In case of accident notify \_\_\_\_\_  
Address \_\_\_\_\_  
Signature \_\_\_\_\_

(d) Commandants shall issue appropriate instruction governing visits of civilians aboard Naval Reserve vessels.

(e) The flight of civilian passengers in naval aircraft assigned to the Naval Air Reserve Training Command shall be governed by current instructions issued by the Chief of Naval Operations.

§ 713.446 *Naval Reserve flag.* (a) A suitable flag has been prescribed by the Secretary of the Navy which may be flown from the mainmast of seagoing vessels, documented under the laws of the United States, as an emblem of the Naval Reserve under the warrant issued for each such vessel by the Secretary of the Navy. Such flag may not be flown in lieu of the national ensign.

(b) In order to be eligible for such warrant, the vessel must first have been determined by the Chief of Naval Operations as suitable for service as a naval auxiliary in time of war and so designated by the Secretary of the Navy. In addition, the master or commanding officer and not less than fifty (50) percent of the other licensed officers must be members of the Navy or the Naval Reserve.

(c) When any vessel which has been authorized to fly the Naval Reserve flag is for any reason no longer eligible to fly the flag, the warrant of authorization shall be returned to the Chief of Naval Operations for cancellation.

§ 713.447 *Naval Reserve yacht pennant.* (a) A suitable pennant has been prescribed by the Secretary of the Navy which may be flown as an emblem of the Naval Reserve on yachts and similar type vessels documented under the laws of the United States, under a warrant issued for each such craft by the Secretary of the Navy. Such pennant may not be flown in lieu of the national (or yacht) ensign.

(b) In order to be eligible for such warrant the craft must first have been determined by the Chief of Naval Op-

erations as suitable for service as a naval auxiliary in time of war, and so designated by the Secretary of the Navy, and the captain or owner must be a member of the Navy or the Naval Reserve.

(c) When any craft which has been authorized to fly the Naval Reserve yacht pennant is for any reason no longer eligible to fly the pennant, the certificate of authorization shall be returned to the Chief of Naval Operations for cancellation.

#### UNIFORM REGULATIONS

§ 713.451 *General requirements—(a) When worn.* Officers and enlisted personnel of the Naval Reserve shall possess and wear when required the uniforms as set forth in U. S. Navy Uniform Regulations.

(1) Reservists on inactive duty shall wear uniforms of their grades or rating when

(i) Performing regular drills or periods of equivalent instruction or duty in a pay status with pay units of the Naval Reserve;

(ii) Performing active duty for training with or without pay and when performing necessary travel in connection therewith.

(2) Reservists who are ordered to active duty shall wear the uniforms prescribed for their respective grades or ratings.

(3) Reservists on inactive duty may wear the prescribed uniforms of their grades or rating on occasions of ceremony as defined by U. S. Navy Uniform Regulations.

(4) Officers of the Merchant Marine, employed on vessels which require officers to wear uniforms, may wear such uniforms while performing active duty for training. Officers so equipped are not required to possess the minimum uniform requirements for reservists prescribed in U. S. Navy Uniform Regulations, except when ordered to active duty in time of war or national emergency. The Merchant Marine Reserve insignia shall be worn on the Merchant Marine uniform as prescribed in U. S. Navy Uniform Regulations.

(b) *Stowage.* In order to maintain proper supervision of uniforms and to give instruction in the marking, care, and stowage of them, as well as to insure that they shall not be worn at unauthorized times, enlisted members of the Naval Reserve may be required to keep their uniforms at activity headquarters, if suitable locker facilities are available.

#### SUBPART D—TRAINING

##### RESPONSIBILITY FOR TRAINING

§ 713.501 *Assignment of responsibility—(a) The Chief of Naval Personnel.* The Chief of Naval Personnel is charged with the training of individuals and organizations of the Naval Reserve, both ashore and afloat, and will provide and conduct the training of all such individuals and organizations with the exception of:

(1) Aviation personnel under the cognizance of the Chief of Naval Air Reserve Training. (Sections in this subpart do not apply to such personnel unless specifically indicated).

(2) Medical and dental personnel.

(b) *The commandants.* Under the supervision of the Chief of Naval Personnel, the commandants are charged with the training of the reservists under their jurisdiction. For this purpose, together with other training responsibilities, a Director of Training with an appropriate staff has been assigned to each commandant.

(c) *The Deputy Chief of Naval Operations (Air).* The Deputy Chief of Naval Operations (Air) will formulate and coordinate the plans and policies governing and pertaining to the training of all individuals and organizations of the Naval Air Reserve.

(d) *The Chief of Naval Air Reserve Training.* The Chief of Naval Air Reserve Training as authorized by the Deputy Chief of Naval Operations (Air) shall supervise and direct the training of reservists under his jurisdiction. To assist in this task, the Naval Air Reserve activities within the Naval Air Reserve Training Command shall be appropriately staffed with qualified personnel including officer and enlisted personnel on continuous active duty.

(e) *Commanding officers.* Commanding officers of ships, stations, or organizations engaged in training Naval Reserve organizations and individuals are charged with the task of providing reservists the maximum training obtainable with the personnel, facilities, equipment, and funds of their respective commands.

(f) The training of the Naval Reserve will be accomplished with the cooperation and assistance of the various bureaus and offices of the Navy Department, fleet units afloat, fleet training commands and shorebased activities assigned thereto.

(g) The training conducted by units or provided for individuals on active duty for training shall be in accordance with the curricula and training instructions issued or authorized by the cognizant office or bureau.

#### TRAINING PROVIDED FOR THE NAVAL RESERVE (FOR AIR SEE § 713.531)

§ 713.511 *Types of training.* (a) Active duty for training is fulltime duty with the Regular component of the Navy for training purposes and is provided as follows:

- (1) Active duty for training
- (2) Special active duty for training
- (3) Group active duty for training

(b) Inactive-duty training is any of the training, instruction, duty, and appropriate duties, or equivalent training, instruction, duty, appropriate duties, or hazardous duty performed with or without compensation by members of the Naval Reserve as prescribed by the Secretary of the Navy and in addition thereto includes the performance of special additional duties, as may be authorized by competent authority, by such members on a voluntary basis in connection with the prescribed training or maintenance activities of the unit to which reservists are assigned. Work or study performed by such reservists in connection with correspondence courses shall be deemed inactive-duty training for which compensation is not authorized.



The following types of inactive-duty training are provided:

- (1) Regular drills.
- (2) Equivalent instruction or duty.
- (3) Appropriate duty.
- (4) Correspondence courses.
- (5) Naval Reserve communication network.

§ 713.512 *Active duty for training (for air see § 713.532).* (a) Active duty for training is required for personnel attached to or associated in pay status with pay units. Active duty for training is also authorized for a limited number of other personnel including those who are performing appropriate duty, associated in non-pay status with pay units, attached to non-pay units, and those in the Active Status Pool. It is not authorized for personnel in inactive or retired status except as provided in § 713.352 (i).

(b) Commandants are authorized to prescribe the type of active duty for training for reservists under their jurisdiction. The type of duty assigned should be that most appropriate to the reservist's grade and designator or rating and classification, his Naval Reserve status, and his prospective mobilization billet.

(c) The Chief of Naval Personnel will issue schedules and quotas for active duty for training for reservists.

(d) Active duty for training with or without pay, exclusive of travel time, shall not exceed 14 days annually, unless specifically authorized by the Chief of Naval Personnel.

(e) Commandants are authorized to release reservists attached to or associated in pay status with pay units of the Naval Reserve from their obligations to perform active duty for training upon evidence of good and sufficient reasons. Reservists failing to perform the required training shall submit a request for waiver containing the following information:

- (1) Fiscal year for which submitted.
- (2) Date of enlistment or appointment.
- (3) Date assigned to the pay unit.
- (4) Dates of active duty or active duty for training performed during preceding 4 years or since enlistment (if serving in first enlistment).
- (5) Previous years released from obligation to perform active duty for training, stating the reason.
- (6) Number of drills attended during preceding fiscal year.

(7) Reasons for failure to perform active duty for training. Commanding officers shall verify the information contained therein and forward the request with an appropriate recommendation to the cognizant commandant for action. All requests of this type concerning members of any organization shall be forwarded at the same time by the commanding officer with recommendations.

(f) Active duty for training will be performed in ships or shore activities designated for this purpose by the commandant in accordance with current instructions issued by the Bureau of Naval Personnel.

(g) Civilian employees of the Navy may not be assigned active duty for

training in the same billet nor in the same office in which employed as a civilian. Further, they shall not perform active duty for training in conjunction with or concurrently with the performance of any civilian travel orders.

§ 713.513 *Special active duty for training (including air).* Special active duty for training is defined as active duty for training in excess of 14 days but not more than 90 days' duration. Special active duty for training may be approved by the Chief of Naval Personnel from time to time for special purposes and, when approved, may be performed in addition to regularly scheduled periods of active duty for training.

§ 713.514 *Group active duty for training.* (a) Reservists may be authorized to perform group active duty for training in ships or at shore activities. Pay is not authorized for this type of training.

(b) Group active duty for training is computed separately from the annual 14 days' active duty for training and may be performed in addition thereto without prior approval of the Chief of Naval Personnel.

(c) The combining of a series of group active duty for training periods totaling 14 days or more cannot be used as a substitute for the annual 14 days' active duty for training required of personnel of pay units.

§ 713.515 *Regular drills (for air see § 713.533).* (a) Regular drills will consist of training in duties pertaining to the Navy, as designated from time to time by the Chief of Naval Personnel in separate instructions.

(b) For organizations under the cognizance of the commandants regular drill must be:

- (1) Designated quarterly in advance for each organization by its commanding officer.
- (2) A period of not less than 2 hours' duration, and may be conducted on any day of the week, holidays included.
- (3) Conducted not more frequently than specified by the Chief of Naval Personnel for each type of organization. Not more than 3 drills may be conducted in any one day or in any one calendar week. Not more than 2 of these drills in any one day may be paid drills.
- (4) Conducted not more frequently in any one fiscal year than the maximum number prescribed in the Tables of Organization for the Naval Reserve for various organizations of the Naval Reserve.

(c) When required due to inadequacy of space or facilities, or to facilitate training, organizations may drill in increments on different days.

§ 713.516 *Equivalent instruction or duty (for air see § 713.534).* (a) Periods of equivalent instruction or duty are analogous to regular drills and shall be performed for the sole purpose of substituting for regular drills which were missed as the result of unusual circumstances. Periods of equivalent instruction or duty shall be scheduled in advance by the commanding officer of the unit. Commanding officers of pay units will coordinate equivalent instruction or

duty with the commanding officer of the training center who is hereby charged with providing training facilities, instructors, and supervision of the performance of the equivalent instruction or duty. Authorization to perform equivalent instruction or duty should not be granted merely for the convenience of the individual.

(b) Equivalent instruction or duty must be:

(1) Periods of not less than 2 hours' duration and may be conducted on any day of the week, including holidays.

(2) Conducted on a day other than the one on which a regular drill is scheduled for the individual or for the unit.

(3) Performed by the individual reservist not more frequently than as prescribed each fiscal year in the Tables of Organization for the Naval Reserve.

(c) Periods of equivalent instruction or duty shall not be credited to the organization for purposes of competitive standing in any competition.

§ 713.517 *Appropriate duty (including air).* (a) The purpose of appropriate duty is to enable commandants to accomplish certain special tasks in connection with the Naval Reserve and to effect training of reservists who are not on active duty or active duty for training. Appropriate duty with pay is limited to the number of billets and specific tasks authorized by the Chief of Naval Personnel.

(b) Appropriate duty must be:

(1) Performed under individual orders issued only by cognizant commandants. No officer shall hold concurrent orders for appropriate duty and for membership in a drilling unit. Appropriate duty orders shall stipulate:

(i) That the reservist is authorized to perform appropriate duty, with or without pay, as the case may be.

(ii) That the nature of the duty to be performed will consist of work assignments or similar duties which are commensurate with grade and qualifications.

(iii) The number of periods of appropriate duty which may be performed.

(2) A period of not less than 2 hours' duration, except that when confined solely to the performance of physical and dental examinations by medical and dental officers respectively, such examinations may be conducted at any time during a fiscal quarter. A minimum of 3 physical examinations shall constitute one period of appropriate duty for a medical officer and a minimum of 5 dental examinations shall constitute one period of appropriate duty for dental officers.

(3) Conducted not more frequently in any one day, week, month, or quarter than prescribed by the Chief of Naval Personnel. The Chief of Naval Personnel will prescribe in separate instructions the frequency of performance of periods of appropriate duty for those medical officers conducting quadrennial physical examinations.

(4) Conducted not more frequently, with or without pay, in any one fiscal year than the maximum number of periods of inactive-duty training currently prescribed in the Tables of Organization for the Naval Reserve.



(c) Appropriate duty is limited to the following types of duty:

(1) Commandants' local representatives as prescribed by the Chief of Naval Personnel.

(2) Conducting of physical and dental examinations.

(3) Performance of instructional duties as consultants at naval hospitals.

(4) Attendance at symposiums conducted by the Armed Forces and approved for appropriate duty credit by the Chief of Naval Personnel.

(5) Participation in training with the Reserve components of the other services as approved for appropriate duty credit in instructions promulgated by the Chief of Naval Personnel.

(6) Representation of the Navy in public ceremonies.

(7) Civil Engineer Corps officers assisting commanding officers of Naval Reserve training centers on matters pertaining to public works.

(8) Performance of instructional duties as a specialist in certain professional or technical fields.

(9) Supply Corps officers assisting commanding officers of Naval Reserve training centers on matters pertaining to supply.

(10) Participation the Civil Air Patrol (CAP) Program.

§ 713.518 *Correspondence courses (including air)*. Correspondence courses in various naval subjects are provided all naval personnel on active or inactive duty, except personnel on an inactive status list. The means of conducting such courses has been established by the Chief of Naval Personnel with the cooperation and assistance of other bureaus and offices. The Catalogue of Officers Correspondence Courses, NavPers-10800, gives a list of courses available together with the agency conducting each course. The Catalogue of Enlisted Correspondence Courses, NavPers 91200, contains a list of courses available plus all pertinent information concerning enrollment.

(a) *Courses Administered by the U. S. Naval Correspondence Course Center*. The Chief of Naval Personnel maintains under his management control the U. S. Naval Correspondence Course Center which administers Naval Correspondence courses to all Naval personnel and assists the Bureau of Naval Personnel in the evaluation of correspondence courses.

(1) The officer correspondence courses are available to officers and chief petty officers. Enlisted personnel other than chief petty officers are eligible for enrollment in officer correspondence courses if recommended by their commanding officers.

(2) Applications for enrollment shall be made on the form prescribed by the Chief of Naval Personnel, or by official letter containing all the information requested on this form. Application shall be forwarded to the U. S. Naval Correspondence Course Center via official channels.

(3) Except in situations in which the Chief of Naval Personnel has specifically directed referral of applications, the U. S. Naval Correspondence Course Cen-

ter may enroll and disenroll applicants without reference to the Bureau of Naval Personnel, subject to requirements established by the Chief of Naval Personnel.

(4) Satisfactory completion of a course is determined in accordance with instructions issued by the Chief of Naval Personnel. The U. S. Naval Correspondence Course Center shall maintain a permanent record of each enrollee's work and upon satisfactory completion of a course, shall issue to the enrollee via appropriate official channels a letter certifying completion.

(b) *Correspondence courses administered by other activities*. Applications for enrollment in correspondence courses administered by the U. S. Naval Submarine School, the Naval War College, the Bureau of Medicine and Surgery, the U. S. Naval School, Naval Intelligence, the Chief of Naval Operations and others shall be made to the administering agency through official channels as indicated in NavPers-10800.

Appropriate reports concerning total enrollments, disenrollments, and completions of correspondence courses shall be made to the Chief of Naval Personnel by the U. S. Naval Correspondence Course Center and other administering agencies periodically, as required.

§ 713.519 *Naval Reserve communication networks*. For the purposes of instructing members of the Naval Reserve in radio and general communication duties, radio circuits have been established using frequencies designated for the Naval Reserve by the Chief of Naval Operations.

§ 713.520 *Publications made available for Naval Reserve personnel (including air)*. (a) The following types of publications are made available by the Chief of Naval Personnel for use in the training of reservists.

(1) *Navy Training Courses*. Navy Training Courses are the texts published by the Bureau of Naval Personnel for rate and rating training and are designated by individual NavPers numbers.

(2) *Curricula for Naval Reserve training*. Naval Reserve Curriculum is a course of study prepared by the Bureau of Naval Personnel bearing an individual NavPers number, which furnishes guidance to the Naval Reserve instructor in the selection of course content, teaching method, training aids, texts, and references used by him in conducting instruction in Naval Reserve training programs.

(3) *Workbooks for Naval Reserve training*. A Naval Reserve Workbook, assigned an individual NavPers number, is prepared by the Bureau of Naval Personnel as a companion to a particular curriculum to provide for the student practice problems and questions in the subject matter under study.

(4) Commercial publications and certain designated NavPers publications required for use or reference by the instructor or student. These publications are contained in an allowance list distributed by current directive and titled Naval Reserve Publications Allowance List. These publications shall be requested as indicated in paragraph (b) of this section

with the exception that requests for such publications should bear the following statement: "The receipt of the above publication will not bring the total quantities issued in excess of the allowance as established by the Bureau of Naval Personnel".

(b) Requests from units for the above publications shall be submitted in accordance with Article B-3202 of the Bureau of Naval Personnel Manual and, if the meeting is being held in a Naval Reserve training center, via the commanding officer at the training center. Requisitions from reservists not associated with a unit shall be submitted by letter request to the commandant.

(c) Copies of U. S. Navy Regulations and the Bureau of Naval Personnel Manual are available to Naval Reserve activities at the discretion of the commandant.

#### TRAINING PROVIDED FOR THE NAVAL AIR RESERVE

§ 713.531 *Types of training*. (a) Active duty for training is defined in § 713.511 (a) and is provided for air reservists as follows:

(1) Active duty for training.  
(2) Special active duty for training (see § 713.513).

(b) Inactive-duty training is defined in § 713.511 (b) and the following types are provided for air reservists:

(1) Regular drills.  
(2) Equivalent instruction or duty.  
(3) Appropriate duty (see § 713.517).  
(4) Special inactive-duty training.  
(5) Correspondence courses (see § 713.518).

§ 713.532 *Active duty for training (air)*. (a) Active duty for training will consist of 14 consecutive days of duty for air reservists in numbers prescribed by the Chief of Naval Personnel. It may be performed with or without pay, under the supervision of the commanding officers of the naval air stations and Naval Air Reserve training units. Instructions for training will be issued by the Chief of Naval Air Reserve Training.

(b) Schedules for active duty for training, correlated and approved by the Chief of Naval Air Reserve Training, will be published in advance each fiscal year for each pay unit by the commanding officer of the parent naval air station or the Naval Air Reserve training unit.

(c) All reservists attached or associated in a pay status are required to perform active duty for training annually unless individually excused from such duty by the commanding officer of the parent naval air station or Naval Air Reserve training unit for good and sufficient reason. Personnel who consistently fail to perform active duty for training shall be separated from pay units. Personnel may be required to perform active duty for training with their respective squadrons or be ordered to individual periods of active duty for training as otherwise approved by the Chief of Naval Air Reserve Training.

(d) Active duty for training will be conducted in vessels or at shore stations selected and approved for this purpose by the command concerned and the Chief of Naval Air Reserve Training.



§ 713.533 *Regular drills (air)*. (a) Regular drills shall consist of training in duties pertaining to the Navy, as approved by the Chief of Naval Operations and as supervised and directed by the Chief of Naval Air Reserve Training.

(b) Regular drills must be:

(1) Designated and scheduled in advance for each Naval Air Force Reserve pay unit by the commanding officer of the naval air station or Naval Air Reserve training unit.

(2) A period of not less than 2 hours' duration.

(3) Conducted not more frequently than 3 times during any one day, not more than 3 times during any one calendar week, and not more than 4 times during any one month; except in months ending on Saturday when the monthly limitation is held in abeyance and a quarterly limitation of 2 will apply, provided each pay unit is scheduled for drills each month of the quarter. Not more than 2 of these drills in any one day may be paid drills.

(4) Conducted not more frequently in any one fiscal year than the maximum number prescribed in the Tables of Organization of the Naval Reserve.

(c) If inadequate space or facilities curtail the effectiveness of training, pay units may be scheduled to drill in increments.

§ 713.534 *Equivalent instruction or duty (air)*. (a) Periods of equivalent instruction or duty are analogous to regular drills. They may be performed by members of training units of the Naval Air Reserve in lieu of regular drills missed as a result of unusual circumstances. The following regulations are prescribed for equivalent instruction or duty performed by members of training units under the cognizance of Chief of Naval Air Reserve Training.

(1) Periods of equivalent instruction or duty shall not be of less than 2 hours' duration provided that in no case shall they be of less duration than a regularly scheduled drill.

(2) Periods of equivalent instruction or duty shall be scheduled in advance by the commanding officer of the unit subject to the approval of the commanding officer of the parent naval air station or Naval Air Reserve training unit.

(3) Periods of equivalent instruction or duty may be performed on any day of the week, holidays included, provided that in no case shall they be conducted on days on which a regular drill is conducted.

(4) Equivalent instruction or duty shall be prescribed by the commanding officer for all or part of his command not more frequently than as prescribed each fiscal year in the Tables of Organization for the Naval Reserve.

(5) Equivalent instruction or duty shall not be credited to the units for purposes of competitive standing.

(6) The commanding officer of the unit, or in his absence the commanding officer of the naval air station, or Naval Air Reserve training unit at which training is conducted, shall approve and certify periods of equivalent instruction or duty as having been performed.

§ 713.535 *Special inactive-duty training (air)*. (a) In order to supplement training received during other types of inactive-duty training the commandants, the Chief of Naval Air Reserve Training, or, under his direction, the commanding officers of the activities where the duty is to be performed, may issue orders to special inactive-duty training to reservists under their cognizance subject to the following conditions:

(1) Training shall be for a specified time not to exceed one year.

(2) Training shall be without pay and allowances, travel, and subsistence.

(3) Orders may be issued to all eligible personnel (naval aviators who are issued orders to special inactive-duty training involving flying must be eligible to receive such orders in accordance with current regulations).

(4) In no case may special inactive-duty training be performed under this section for the purpose of replacing or substituting for regular drills or any other type of authorized active or inactive-duty training.

(5) Each period of special inactive-duty training shall be of at least 2 hours' duration.

(b) The naval activity at which special inactive-duty training is performed shall record on the orders the date, duration, and nature of duty performed for each separate period. Upon expiration of the time stated in the orders, the original and copies of the orders shall be distributed as specified in current directives.

#### TRAINING PERSONNEL

§ 713.541 *Personnel assigned to staffs*.

(a) Commandants and the Chief of Naval Air Reserve Training may assign officers of the Regular Navy or of the Naval Reserve who are under their cognizance to additional duty on their staffs in connection with the training of Naval Reserve organizations and individuals under their jurisdiction. In ordering Reserve officers, personnel on active duty will be ordered by additional duty orders and inactive-duty personnel will be ordered by temporary active duty orders. They may not, however, place any officer in active duty for this purpose except with permission of the Chief of Naval Personnel.

(b) Commanding officers of fleet operational training commands and fleet training centers may assign officers and enlisted men to additional duty in connection with the training of reservists afloat and ashore.

§ 713.542 *Commanding officers of Naval Reserve training centers*. (a) Officers of the Regular Navy and Reserve officers on active duty of the grade of lieutenant and above are assigned by the Chief of Naval Personnel as commanding officers of the various Naval Reserve training centers.

(b) As the commandant's representative they shall perform such duties as contained in this section or otherwise prescribed by the Chief of Naval Personnel.

(1) Advise and assist the commanding officers of units in the training and ad-

ministration of personnel in units under their command.

(2) Provide necessary assistance for units supported by the training center.

(3) Keep the commandants informed of the state of training of personnel, efficiency of administration and general progress of units, the adequacy of training facilities and equipment, and recommend necessary measures to improve efficiency.

(4) Insure by informal inspection that directives of the commandant in connection with the administration and upkeep of training centers, and in connection with the maintenance and security of ships and other facilities are properly interpreted and carried out.

(5) Upon recommendation of the commandant, subject to the approval of the Chief of Naval Personnel, the commanding officer of a training center may be embarked in a ship to perform such duties as the commandant may direct.

(6) With the commanding officers of units, maintain liaison between local community advisory committees and the commandant. Maintain liaison with other Reserve components, local Militia, and patriotic and civic organizations.

(c) Temporary additional duty orders authorizing the commanding officers of training centers to make necessary visits to organizations of the Naval Reserve should be obtained directly from commandants concerned. Such requests must be submitted sufficiently in advance of the proposed travel to allow orders to be issued.

§ 713.543 *Commanding officers of Naval Reserve units*. (a) To insure effective training and administration of the Naval Reserve, the commanding officer of a unit will perform the duties as contained in this section, or otherwise prescribed by the Chief of Naval Personnel.

(1) Be responsible to the commandant for the training and administration of the unit under his command.

(2) Supervise, through other officers assigned to the unit, the training and administration of personnel utilizing the advice and assistance given by the commanding officer of the Naval Reserve training center.

(3) Utilize to the fullest degree the stationkeepers made available to assist in the training and administration.

(4) Keep the commandant informed of all matters pertaining to the state of efficiency of training and administration of the unit under his command.

(5) Carry out inspection of the unit under his command as directed by the commandant or as necessary to maintain effective training and administration.

(6) With the commanding officer of the training center maintain effective liaison with the city and state officials of the community and various local civic groups concerned to insure that good community relations are maintained.

§ 713.544 *Ship and stationkeepers*.

(a) The words "ship and stationkeepers" as used herein apply to enlisted personnel on active duty for the purpose of maintaining training ships and training centers and for the training and admin-



istration of reservists trained by these facilities. Personnel allowances covering such personnel will be issued by the Chief of Naval Personnel to each district, river command, air station, or Air Naval Reserve training unit concerned.

(b) In selecting personnel for these billets, commandants and the Chief of Naval Air Reserve Training should consider their potential value as instructors. Those selected should be sent to an instructor training school in order that they may assist in rendering the support which is necessary to assure effective training of units both on cruises and in the training center.

(c) Commandants and the Chief of Naval Air Reserve Training may authorize subsistence allowances or quarters allowances, or both, for enlisted ship and stationkeepers, in accordance with the provisions of part A of the Bureau of Naval Personnel Manual.

(d) Ship and stationkeepers are to be subsisted in general mess either afloat or ashore when practicable. They shall be furnished government quarters either afloat or ashore whenever such quarters are available.

#### PART 716—DEATH GRATUITY

In § 716.2 the phrase "Casualty Section," appearing in the last sentence should be deleted.

(Sec. 1, 41 Stat. 824, as amended; 34 U. S. C. 943)

#### PART 718—MISSING PERSONS ACT

In § 718.4 the phrase "Casualty Section," should be deleted.

(56 Stat. 143, as amended; 50 U. S. C. App. 1001-1012, 1014-1015)

[F. R. Doc. 54-9444; Filed, Dec. 1, 1954; 8:45 a. m.]

### TITLE 45—PUBLIC WELFARE

#### Chapter IV—Office of Vocational Rehabilitation, Department of Health, Education, and Welfare

##### PART 401—THE VOCATIONAL REHABILITATION PROGRAM

Pursuant to the authority conferred by section 7 of the Vocational Rehabilitation Act, as amended, the following regulations are prescribed to govern the administration of that act. They are designed with a view toward recognizing maximum authority and responsibility of the States in carrying out their own programs, while at the same time providing reasonable assurance that the objectives of the act will be achieved. These regulations include the following subparts: Subpart A—Definitions; Subpart B—State Plans and Grants for Vocational Rehabilitation, prescribing the content of a State plan and the minimum standards to be observed in the operation of the program; Subpart C—Grants to States for Extension and Improvement Projects; Subpart D—Grants for Special Projects; Subpart E—National Advisory Council on Vocational Rehabilitation; and Subpart F—Training and Research. These regulations

supersede the regulations previously appearing in Part 401, subject to the transition provisions of § 401.56. The regulations are labeled and numbered as indicated below:

##### Subpart A—Definitions

Sec.  
401.1 Terms.

##### Subpart B—State Plans and Grants for Vocational Rehabilitation

###### STATE PLAN CONTENT: ADMINISTRATION

- 401.2 The State plan: General requirements.
- 401.3 State agency for administration.
- 401.4 Organization for administration.
- 401.5 Standards of personnel administration.
- 401.6 State director.
- 401.7 Medical consultation.
- 401.8 Staff development.
- 401.9 Political activity.
- 401.10 Fiscal administration.
- 401.11 Custody of funds.
- 401.12 Reports.
- 401.13 Cooperation with other agencies.

###### STATE PLAN CONTENT: CASEWORK PRACTICE

- 401.14 Eligibility.
- 401.15 Case study and diagnosis.
- 401.16 Rehabilitation plan for the individual.
- 401.17 Processing referrals and applications.
- 401.18 Order of selection for services.
- 401.19 Guidance.
- 401.20 Economic need.
- 401.21 Recording of case data.
- 401.22 Confidential information.

###### STATE PLAN CONTENT: SERVICES

- 401.23 Scope of agency program.
- 401.24 Standards for facilities and personnel.
- 401.25 Rates of payment.
- 401.26 Training.
- 401.27 Physical restoration services.
- 401.28 Transportation.
- 401.29 Maintenance.
- 401.30 Placement.
- 401.31 Tools, equipment, initial stocks and supplies, occupational licenses.
- 401.32 Other goods and services.
- 401.33 Vending stands and other small businesses for severely handicapped individuals operated under management of State agency.
- 401.34 Workshops.
- 401.35 Rehabilitation facilities.
- 401.36 Services to civil employees of the United States.
- 401.37 Authorization of services.

###### FEDERAL FINANCIAL PARTICIPATION

- 401.38 Effect of State rules.
- 401.39 Diagnostic and related services.
- 401.40 Guidance, training, and placement.
- 401.41 Rehabilitation services conditioned upon economic need.
- 401.42 Vending stands and small businesses under management and supervision of State agency.
- 401.43 Establishment of public and other non-profit rehabilitation facilities.
- 401.44 Establishment of public and other non-profit workshops.
- 401.45 Administration.
- 401.46 Purchase of goods, facilities, or services from other agencies of the State.
- 401.47 Insurance and taxes.
- 401.48 Costs of office space.
- 401.49 State and local funds.

###### ALLOTMENT AND FINANCING

- 401.50 Allotment of Federal funds for vocational rehabilitation services.
- 401.51 Payments from allotments.

- Sec.
- 401.52 Method of computing and making payments.
- 401.53 Effect of payments.
- 401.54 Interest and refunds.
- 401.55 Determining to which fiscal year an expenditure is chargeable.

##### TRANSITION

- 401.56 Transition provisions.

##### Subpart C—Grants to States for Extension and Improvement Projects

- 401.60 General requirements.
- 401.61 Project submittal.
- 401.62 Project amendments.
- 401.63 Allotment of Federal funds for extension and improvement projects.
- 401.64 Payments from allotments.
- 401.65 Method of computing and making payments.

##### Subpart D—Grants for Special Projects

###### PROJECTS UNDER SECTION 4 (A) (1) OF THE ACT

- 401.66 Purpose.
- 401.67 Applications.
- 401.68 Federal financial participation.
- 401.69 Approval of State agency.
- 401.70 Duration of project.
- 401.71 Payments.
- 401.72 Revisions.
- 401.73 Termination.
- 401.74 Publications.
- 401.75 Patent and copyright policy.

###### EXPANSION GRANTS

- 401.76 General requirements.
- 401.77 Federal financial participation.

##### Subpart E—National Advisory Council on Vocational Rehabilitation

- 401.78 National Advisory Council on Vocational Rehabilitation.

##### Subpart F—Training and Research

- 401.80 Training and instruction.

###### TRAINEESHIP AWARDS

- 401.81 Benefits.
- 401.82 Eligibility requirements.
- 401.83 Conditions.
- 401.84 Duration.
- 401.85 Payment.
- 401.86 Termination.

###### RESEARCH FELLOWSHIPS

- 401.87 Benefits.
- 401.88 Eligibility requirements.
- 401.89 Conditions.
- 401.90 Duration.
- 401.91 Payment.
- 401.92 Termination.

AUTHORITY: §§ 401.1 to 401.92 issued under sec. 9, 58 Stat. 769, as amended; 50 U. S. C. App. 1618.

##### SUBPART A—DEFINITIONS

§ 401.1 *Terms.* Unless otherwise indicated in these regulations, the terms below are defined as follows:

(a) "Act" means the Vocational Rehabilitation Act, as amended by Public Law 565, approved August 3, 1954.

(b) "Blind" means persons who are blind within the meaning of the law relating to vocational rehabilitation in each State.

(c) "Demonstration" means (1) a pilot study or experimental attempt to provide more and better vocational rehabilitation services than are available, for the purpose of testing or establishing standards or methods of service that are practicable and effective for general application in the vocational rehabilitation



program; or (2) provision of a special type of rehabilitation service in order to test its value in vocational rehabilitation and to provide information on costs, methods of administration, methods of providing services, or rehabilitation techniques; or (3) provision of vocational rehabilitation services to handicapped individuals in a specific disability category not adequately served.

(d) "Director" means the Director of the Office of Vocational Rehabilitation in the Department of Health, Education, and Welfare.

(e) "Establishment of a rehabilitation facility" means (1) the expansion, remodeling, or alteration of existing buildings, necessary to adapt or to increase the effectiveness of such buildings for rehabilitation facility purposes; (2) the acquisition of initial equipment for such purposes; or (3) the initial staffing of a rehabilitation facility, for a period not exceeding one year.

(f) "Establishment of a workshop" means the expansion, remodeling, or alteration of existing buildings, necessary to adapt such buildings to workshop purposes or to increase the employment opportunities in workshops, and the acquisition of initial equipment necessary for new workshops or to increase the employment opportunities in workshops.

(g) "Handicapped individual" means any individual who is under a physical or mental disability which constitutes a substantial handicap to employment, but which is of such a nature that vocational rehabilitation services may reasonably be expected to render him fit to engage in a remunerative occupation.

(h) "Individual who is under a physical or mental disability" means an individual who has a physical or mental condition which materially limits, contributes to limiting, or, if not corrected, will probably result in limiting his activities or functioning.

(i) "Local rehabilitation agency" means the public agency of a political subdivision of a State which has sole responsibility for administering the vocational rehabilitation program in the locality, under the supervision of the State agency.

(j) "Maintenance" means payments to cover the handicapped, individual's basic living expenses, such as food, shelter, clothing, health maintenance, and other subsistence expenses essential to achieving the individual's vocational rehabilitation objective.

(k) "Nonprofit", when used with respect to a rehabilitation facility or a workshop, means a rehabilitation facility or a workshop, respectively, owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and the income of which is exempt from taxation under section 101 (6) of the Internal Revenue Code.

(l) "Occupational license" means any license, permit, or other written authority required by a State, city, or other governmental unit to be obtained in order to enter an occupation.

(m) "Physical restoration services" means those medical and medically re-

lated services which are necessary to correct or substantially modify within a reasonable period of time a physical or mental condition which is stable or slowly progressive, and includes: (1) Medical or surgical treatment by general practitioners or medical specialists; (2) psychiatric treatment; (3) dentistry; (4) nursing services; (5) hospitalization (either inpatient or outpatient care) and clinic services; (6) convalescent, nursing or rest home care; (7) drugs and supplies; (8) prosthetic devices essential to obtaining or retaining employment; (9) physical therapy; (10) occupational therapy; (11) medically directed speech or hearing therapy; (12) physical rehabilitation in a rehabilitation facility; (13) treatment of medical complications and emergencies, either acute or chronic, which are associated with or arise out of the provision of physical restoration services, or are inherent in the condition under treatment; and (14) other medical or medically related rehabilitation services.

(n) "Prosthetic device" means any appliance designed to support or take the place of a part of the body, or to increase the acuity of a sensory organ.

(o) "Rehabilitation facility" means a facility, operated for the primary purpose of assisting in the rehabilitation of handicapped individuals, (1) which provides one or more of the following types of services: testing, fitting, or training in the use of prosthetic devices; pre-vocational or conditioning therapy; physical or occupational therapy; adjustment training; evaluation, treatment, or control of special disabilities; or (2) through which is provided an integrated program of medical, psychological, social and vocational evaluation and services, under competent professional supervision, provided that the major portion of such evaluation and services is furnished within the facility, and that all medical and related health services are prescribed by, or are under the formal supervision of, persons licensed to practice medicine or surgery in the State.

(p) "Remunerative occupation" includes employment in the competitive labor market; practice of a profession; self-employment; homemaking, farm, or family work (including work for which payment is in kind rather than in cash); sheltered employment; and home industries or other homebound work of a remunerative nature.

(q) "Secretary" means the Secretary of Health, Education, and Welfare.

(r) "State" means the several States, the Territories of Alaska and Hawaii, the District of Columbia, the Virgin Islands, Puerto Rico, and, for the purposes of section 4 of the act, Guam.

(s) "State agency" means the State board administering vocational education, or the State agency primarily concerned with vocational rehabilitation, or the State agency for the blind.

(t) "State agency for the blind" means the State commission for the blind or other agency authorized under State law to administer or supervise the administration of vocational rehabilitation services to the blind.

(u) "State agency primarily concerned with vocational rehabilitation"

means an independent State commission, board, or other agency whose major function is vocational rehabilitation.

(v) "Substantial handicap to employment" means that the functional limitations (or limitations in activities) resulting from a disability materially impede an individual's occupational performance, by preventing his obtaining or retaining employment consistent with his capacities and abilities.

(w) "Vocational rehabilitation services" means any goods and services necessary to render a handicapped individual fit to engage in a remunerative occupation, including: (1) Diagnostic and related services (including transportation) required for the determination of eligibility for service and of the nature and scope of the services to be provided; (2) guidance; (3) physical restoration services; (4) training; (5) books and training materials; (6) maintenance; (7) placement; (8) tools, equipment, initial stocks and supplies, including equipment and initial stocks and supplies for vending stands; (9) acquisition of vending stands or other equipment, and initial stocks and supplies for small business enterprises conducted by severely handicapped individuals under the supervision of the State agency; (10) transportation; (11) occupational licenses; and (12) other goods and services necessary to render a handicapped individual fit to engage in a remunerative occupation. The term also covers the establishment of workshops for severely handicapped individuals and the establishment of rehabilitation facilities.

(x) "Workshop" means a place where any manufacture or handwork is carried on, and which is operated for the primary purpose of providing remunerative employment to severely handicapped individuals (1) as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market; or (2) during such time as employment opportunities for them in the competitive labor market do not exist.

#### SUBPART B—STATE PLANS AND GRANTS FOR VOCATIONAL REHABILITATION

##### STATE PLAN CONTENT: ADMINISTRATION

§ 401.2 *The State plan: general requirements—(a) Purpose.* A basic condition to the certification of Federal funds to a State for vocational rehabilitation services is a State plan found to meet Federal requirements. This plan shall constitute a description of the State's vocational rehabilitation program. The State plan shall meet the requirements as to content hereinafter stated. It shall provide for financial participation by the State, and shall provide that it will be in effect in all political subdivisions of the State. The Director shall approve any plan meeting the requirements of the act and of this part.

(b) *Submission.* The State plan and all amendments thereto shall be submitted to the Office of Vocational Rehabilitation by a duly authorized officer of the State agency. The plan shall indicate the official or officials who are authorized to submit plan material.



(c) *Amendment.* The plan shall provide that it will be amended whenever necessary to reflect a material change in any phase of State law, organization, policy, or agency operations. Such amendment shall be submitted to the Office of Vocational Rehabilitation before it is put into effect, or within a reasonable time thereafter.

(d) *Separate part relating to rehabilitation of the blind.* If, as hereinafter provided for, a State agency for the blind administers or supervises the administration of that part of the State plan relating to the rehabilitation of the blind, such part of the State plan shall meet all requirements as to submission, amendment, and content prescribed by the act and this part, as though it were a separate State plan.

§ 401.3 *State agency for administration—(a) Designation of State agency.* The State plan shall designate a sole State agency to administer the vocational rehabilitation program in the State or to supervise its administration by local rehabilitation agencies. This agency shall be the State board administering vocational education or the State agency primarily concerned with vocational rehabilitation, except that the State agency for the blind may be the sole State agency with respect to that part of the plan relating to the vocational rehabilitation of the blind.

(b) *Local administration.* The State plan may provide for administration of the program through local rehabilitation agencies of political subdivisions of the State, under the supervision of the State agency and in compliance with State-wide standards established by the State agency. If the plan provides for local administration, the local rehabilitation agency shall be responsible for the administration of all aspects of the program within the political subdivision which it serves: *Provided, however,* That a separate local rehabilitation agency serving the blind may administer that part of the plan relating to the rehabilitation of the blind, under the supervision of the State agency for the blind.

(c) *Authority.* The State plan shall set forth the authority under State law for the administration or supervision of the administration of the program by the State agency, and, in the latter case, the legal basis for administration by local rehabilitation agencies. In this connection, copies of all laws and interpretations thereof by appropriate State officials, directly pertinent to the administration or supervision of the vocational rehabilitation program, shall be submitted as a part of the plan.

(d) *Responsibility for administration.* The State plan shall provide that all decisions affecting the eligibility of clients, or the nature and scope of vocational rehabilitation services to be provided, will be made by the State agency, or by a local rehabilitation agency under its supervision, and that this responsibility will not be delegated to any other agency or individual.

§ 401.4 *Organization for administration.* The State plan shall describe the organizational structure of the State

agency, including descriptions of organizational units, the functions assigned to each, and the relationships among units in the vocational rehabilitation program. The organizational structure shall provide for all the functions for which the State agency is responsible, for clear lines of administrative and supervisory authority, and shall be suited to the size of the program and the geographic areas in which the program must operate. The State plan shall also describe methods of administration which will provide for the coordination and integration of activities, adequate controls over operations, channels for the development and interpretation of policies and standards, and effective supervision of staff. The organizational structure and the methods of administration shall facilitate program operations, and shall insure the provision of all necessary vocational rehabilitation services available under the State plan to rehabilitation clients. If the State plan provides for the administration of the program by local rehabilitation agencies, the State plan shall set forth the standards governing their organization and methods of administration, and shall describe the nature and extent of the supervision exercised by the State agency in order to assure observance in the application of State standards and the effective achievement of the objectives of the State plan in each political subdivision of the State.

§ 401.5 *Standards of personnel administration.* (a) The State plan shall set forth the State agency's standards of personnel administration applicable to its own employees and those of local rehabilitation agencies operating under its supervision. The State plan shall specify that rates of compensation and minimum qualifications will be established for each class of position which are commensurate with the duties and responsibilities of that class; and shall set forth the policies of the State agency with respect to the selection, appointment, promotion, and tenure of qualified personnel.

(b) The State plan shall provide for the maintenance of such written personnel, policies, records, and other information as are necessary to permit an evaluation of the operations of the system of personnel administration in relation to the standards of the State agency.

(c) Where personnel administration is conducted under a State merit system approved by the Department of Health, Education, and Welfare (or a constituent unit thereof) as meeting the "Standards for a Merit System of Personnel Administration", the State plan may make reference to such fact, and the information required above with respect to "Standards of personnel administration" need not be submitted, except that the responsibility for the appointment of personnel shall be described.

(d) The Director shall exercise no authority with respect to the selection, method of selection, tenure of office, or compensation of any individual employed in accordance with the provisions of the approved State plan.

§ 401.6 *State Director.* The State plan shall provide that the State director, or other named official having primary responsibility for the direction of the administration of the vocational rehabilitation program of the State agency, shall be required to devote his full time and efforts to the vocational rehabilitation program, with the following exceptions: (a) Upon the request of a State agency, the Director may approve arrangements whereby the State director is also responsible for the direction of other programs primarily concerned with handicapped individuals, if he finds in view of all the circumstances in the particular case that such arrangements will not impair the effective administration of the State plan; and (b) with respect to a State agency for the blind, the State director may be responsible for the direction of other programs relating to the blind or other handicapped persons, when such arrangement will not impair the effective administration of the State plan. Where the program is administered or supervised by a State board administering vocational education, the plan shall provide that the State director shall be subject only to the direction and supervision of the State board administering vocational education or its Executive Officer for matters relating to vocational rehabilitation. The State director may be designated the Executive Officer for matters relating to vocational rehabilitation.

§ 401.7 *Medical consultation.* The State plan shall provide for and describe the arrangements made to secure adequate medical consultation and to assure the availability of medical consultative services of high quality on all medical aspects of the vocational rehabilitation program, as needed in all State, district, or local offices of the agency.

§ 401.8 *Staff development.* The State plan shall provide for a program of staff development for vocational rehabilitation personnel. This program shall provide for the in-service training of personnel for the purpose of providing a high quality of vocational rehabilitation services to handicapped persons. If the staff development program includes leaves of absence from institutional or other organized training for professional personnel, the State plan shall specify the policies governing such educational leave.

§ 401.9 *Political activity.* The State plan shall contain provisions prohibiting employees engaged in the day-to-day administration and operation of the program from engaging in political activity. Such an employee shall, of course, have the right to express his views as a citizen and to cast his vote.

§ 401.10 *Fiscal administration.* The State plan shall set forth the policies and methods pertinent to the fiscal administration and control of the vocational rehabilitation program, including sources of funds, incurrence and payment of obligations, disbursements, accounting, and auditing. The State plan shall provide for the maintenance by the State agency (or, where applicable, by the local rehabilitation agency) of such



accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grants, including the disposition of all moneys received and the nature and amount of all charges claimed to lie against the respective Federal authorization.

**§ 401.11 Custody of funds.** The State plan shall designate the State official who will receive and provide for the custody of all funds paid to the State under the act, subject to requisition or disbursement by the State agency.

**§ 401.12 Reports.** The State plan shall provide that the State agency will make such reports in such form and containing such information as the Director may reasonably require, and will comply with such provisions as he may find necessary to assure the correctness and verification of such reports. This provision applies to reports in all areas of program operation and administration and to various methods of reporting, including written and oral reports, inspection and review of fiscal, statistical, casework, and other records and operations.

**§ 401.13 Cooperation with other agencies.** (a) The State plan shall provide that the State agency will establish and maintain cooperative working relationships with the State workmen's compensation agency, the Bureau of Employees' Compensation of Department of Labor, the State agency administering the State's public assistance program, the Bureau of Old-Age and Survivors Insurance of the Department of Health, Education, and Welfare, and the system of public employment offices in the State. The basis for the cooperative working arrangement with the system of public employment offices shall be a written agreement which shall provide, among other things, for reciprocal referral services, exchange of reports of service, joint service programs, continuous liaison, and maximum utilization of the job placement and employment counseling services and other services and facilities of the public employment offices.

(b) The State plan shall further provide that the State agency will establish and maintain working relationships with other public and private agencies, such as tuberculosis sanatoria, crippled children's agencies, Veterans' Administration facilities, hospitals, health departments, and voluntary social and health agencies furnishing services relating to vocation rehabilitation, so as to assure maximum utilization on a coordinated basis of the services which all agencies in the State have to offer for the vocational rehabilitation of handicapped persons.

(c) Where there is a separate State agency for the blind, the State plan shall also provide that the two State agencies will establish reciprocal referral services, utilize each other's services and facilities to the extent practicable and feasible, jointly plan activities which will improve services to handicapped individuals in the State, and otherwise cooperate in the interest of providing more effective services.

#### STATE PLAN CONTENT: CASEWORK PRACTICE

**§ 401.14 Eligibility.**—(a) *General provisions.* (1) The State plan shall describe the policies and methods which the State agency will follow in determining eligibility for vocational rehabilitation services in each case.

(2) The State plan shall provide that eligibility requirements for vocational rehabilitation will be applied by the State agency or local rehabilitation agency without regard to sex, race, creed, color, or national origin of the individual.

(b) *Basic conditions.* The State plan shall provide that eligibility for vocational rehabilitation services shall be based upon: (1) The presence of a physical or mental disability and the resulting functional limitations or limitations in activities; (2) the existence of a substantial handicap to employment caused by the limitations resulting from such disability; and (3) a reasonable expectation that vocational rehabilitation services may render the individual fit to engage in a remunerative occupation.

(c) *Certification of eligibility.* (1) The State plan shall provide that, prior to or simultaneously with acceptance of the handicapped individual for vocational rehabilitation services, there will be a certification that the individual has met the basic eligibility requirements. The State plan shall further provide that the certified statement of eligibility will be dated and signed by an appropriate agency staff member to whom such responsibility has been assigned.

(2) The State plan shall provide that a similar statement will be executed for each case determined to be ineligible for vocational rehabilitation services.

#### **§ 401.15 Case study and diagnosis.**

(a) The State plan shall provide that, prior to and as a basis for formulating the individual's plan of vocational rehabilitation, there will be a thorough diagnostic study, which will consist of a comprehensive evaluation of pertinent medical, social, psychological, and vocational factors in the case. The State plan shall provide that in each case the diagnostic study shall be adequate to provide the basis for (1) establishing that a physical or mental condition is present which limits the activities the individual can perform; (2) appraising the current general health status of the individual in order to determine his limitations and capacities; (3) determining how and to what extent the disabling conditions may be expected to be removed, corrected, or minimized by physical restoration services; and (4) selecting an employment objective commensurate with the individual's capacities and limitations.

(b) The State plan shall provide that the diagnostic study will include, in all cases to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustment, employment opportunities, and other pertinent data helpful in determining the nature and scope of services to be provided for accomplishing the individual's vocational rehabilitation objective.

(c) The State plan shall further provide that the medical diagnostic study shall include (1) a complete general medical examination, providing an appraisal of the current medical status of the individual; (2) examinations by specialists in all medical specialty fields, as needed; and (3) such clinical laboratory tests, X-rays, and other indicated studies as are necessary, in addition to subparagraphs (1) and (2) of this paragraph, to establish the diagnosis, to determine the extent to which the disability limits (or is likely to limit) the individual's daily living and work activities, and to estimate the probable results of physical restoration services.

(d) The State plan shall, in addition, set forth the specifications established by the agency for the content of the diagnostic study outlined in paragraph (c) of this section, including (1) the subject matter to be covered and the minimum diagnostic procedures to be employed routinely in the general medical examination; (2) the required recency of such examination, and the conditions under which a medical abstract will be accepted in lieu of a new examination; (3) the conditions under which examinations by specialists will be required; and (4) provision for psychological evaluation in all cases of mental retardation.

**§ 401.16 Vocational rehabilitation plan for the individual.** (a) The State plan shall provide that an individual plan of vocational rehabilitation will be formulated for each eligible client accepted for service. This individual plan (1) shall be based upon data secured in the diagnostic study; (2) shall specify the vocational rehabilitation objective (or tentative objective where the ultimate objective cannot be determined at that time), the services necessary to accomplish the client's vocational rehabilitation, and the plan for providing (or otherwise securing) such necessary services; and (3) shall be formulated with the client's participation.

(b) The State plan shall provide that the vocational rehabilitation plan for the individual will specify all the services needed to achieve his vocational rehabilitation, and that such services will be carried to completion, insofar as possible. The State plan shall further provide that the State agency may terminate or revise the plan for any client when it becomes evident that his vocational rehabilitation cannot be achieved, that services cannot be completed, or that the client's needs have changed.

**§ 401.17 Processing referrals and applications.** The State plan shall describe the methods to be followed in handling referrals and applications for vocational rehabilitation services.

**§ 401.18 Order of selection for services.** The State plan shall set forth the criteria to be used in selecting eligible individuals for services when services cannot be provided to all eligible persons who apply. Such criteria shall be designed to achieve the objectives of the vocational rehabilitation program to the fullest extent possible with available funds, and shall give due cognizance both to the individual factors involved (such as the individual's obligations and need



condition, severity of handicap, and employability) and also to the external factors (such as the cost and feasibility of rehabilitation and labor market needs).

**§ 401.19 Guidance.** The State plan shall set forth the standards and policies established for the guidance of clients which will assure (a) adequate counseling services to the individual in connection with his vocational potentialities and the health, personal, and social problems related to his vocational adjustment; and (b) necessary assistance to him in developing an understanding of his capacities and limitations, in selecting a suitable occupational goal, and in using appropriately the medical services, training, and other rehabilitation services needed to achieve the best possible vocational adjustment. The State plan shall also provide for the securing of reports from agencies providing vocational rehabilitation services and for other methods of evaluating the progress in each case.

**§ 401.20 Economic need.** The State plan shall set forth the agency's policies with respect to determination of economic need, and shall specify the types of vocational rehabilitation services for which the agency has established an economic needs test. Where the State desires to request Federal financial participation in expenditures conditioned upon economic need, (a) the State plan shall provide that the economic need of the client will be established simultaneously with or within a reasonable period prior to provision of the vocational rehabilitation services specified in § 401.41.

(b) The State plan (1) shall set forth the policies and standards for objectively measuring the individual's ability to procure services conditioned on economic need, and for determining the amount of agency supplementation required to procure the necessary services; and (2) shall describe the agency's methods for assuring uniform and equitable application of such standards.

(c) The standards for determining economic need shall provide that the agency will take into account all consequential resources available to the individual, however derived, including any benefit to which the individual may be entitled by way of pension, compensation, insurance, and current income (including remuneration in kind and remuneration in the case of on-the-job training); provided that the agency may establish general policies specifying amounts of capital assets (including property, cash, and liquid assets not constituting current income) which may be excluded from the calculation of available resources. Any amounts so specified shall be reasonable, and shall be indicated in the State plan.

**§ 401.21 Recording of case data.** The State plan shall provide that the State agency will maintain a record for each case which will contain pertinent information about the individual and the services provided. For those individuals accepted for service, the case record shall include as a minimum: (a) Data supporting the determination of eligibility and pertinent information secured in

the diagnostic study; (b) data supporting the establishment of the client's need for financial assistance in the event services conditioned upon economic need are provided; (c) data supporting the clinical status of the client's disabling condition as stable or slowly progressive, in the event physical restoration services are provided; (d) a plan of vocational rehabilitation, setting forth the vocational rehabilitation objective of the individual, the services needed for his vocational rehabilitation as determined through the case study, and the way in which such services will be provided; and (e) the reason and justification for closing the case, including the employment status of the client and, if the case is closed as employed, the basis on which the employment was determined to be suitable. For those individuals not accepted for service, the case record shall include data supporting the finding of ineligibility.

**§ 401.22 Confidential information.** (a) The State plan shall provide that the State agency will adopt such regulations as are necessary to assure that:

(1) All information as to personal facts given or made available to the State or local rehabilitation agency, its representatives, or its employees, in the course of the administration of the vocational rehabilitation program, including lists of names and addresses and records of agency evaluation, shall be held to be confidential.

(2) The use of such information and records shall be limited to purposes directly connected with the administration of the vocational rehabilitation program and may not be disclosed, directly or indirectly, other than in the administration thereof, unless the consent of the client to such release has been obtained either expressly or by necessary implication. Release of information to employers in connection with the placement of the client may be considered as release of information in connection with the administration of the vocational rehabilitation program. Such information may, however, be released to welfare agencies or programs from which the client has requested certain services under circumstances from which his consent may be presumed, provided such agencies have adopted regulations which will assure that the information will be held confidential, and can assure that the information will be used only for the purposes for which it is provided.

(3) All such information is the property of the State agency or of the State and local rehabilitation agency, and may be used only in accordance with the agency's regulations.

(b) The State plan shall further provide that the State agency will adopt such procedures and standards as are necessary to: (1) Give effect to its regulations; (2) assure that all rehabilitation clients and interested persons will be informed as to the confidentiality of vocational rehabilitation information; (3) assure the adoption of such office practices and the availability of such office facilities and equipment as will assure the adequate protection of the confidentiality of such records.

#### STATE PLAN CONTENT: SERVICES

**§ 401.23 Scope of agency program.** (a) As required by the act, the State plan shall provide as a minimum for the furnishing of the following vocational rehabilitation services to each eligible individual found by the diagnostic study to require such services: Guidance, training, maintenance during rehabilitation, physical restoration, and placement.

(b) The State plan shall describe all the services to be provided, the general scope of agency activities to be undertaken, and the categories of expenditures in which the State agency will request Federal financial participation.

**§ 401.24 Standards for facilities and personnel.** The State plan shall provide that the State agency will establish and maintain standards for the various types of facilities and professional personnel utilized in providing services to eligible individuals, and shall describe the general content of such standards and the bases on which they were developed. The State plan shall also set forth the methods to be employed for maintaining such standards in accessible form for agency personnel.

**§ 401.25 Rates of payment.** The State plan shall provide for the establishment of rates of payment for diagnostic services, training, and physical restoration services purchased for clients, describe the policies used in arriving at such rates, and provide that the State agency will maintain in accessible form information justifying such rates of payment.

**§ 401.26 Training.** The State plan shall set forth the policies that the State agency will follow in furnishing training to eligible individuals to the extent necessary to achieve their vocational rehabilitation. Such training includes vocational, prevocational, personal adjustment training, and other rehabilitation training which contributes to the individual's vocational adjustment; it covers training provided directly by the State agency or procured from other public or private training facilities. The State plan shall also include the State agency's policies with respect to the provision of books and training materials.

**§ 401.27 Physical restoration services.** The State plan shall set forth the policies that the State agency will follow in furnishing physical restoration services to eligible individuals to the extent needed to achieve their vocational rehabilitation and, with respect to those cases for which the State agency wishes Federal financial participation in expenditures for physical restoration services, shall specify that the following additional criteria are met in each case: (a) The clinical status of the individual's condition must be stable or slowly progressive (i. e., the condition must not be acute or transitory, or of so recent an origin that the resulting functional limitations and the extent to which such limitations affect occupational performance cannot be identified); (b) physical restoration services may be expected to eliminate or substantially reduce the handicapping condition within a reasonable period of



time; and (c) the individual must be found to be in need of financial assistance in meeting the costs of the services.

**§ 401.28 Transportation.** The State plan shall set forth the policies with respect to furnishing transportation incidental to provision of diagnostic or other vocational rehabilitation services under the State plan. Transportation is considered to mean the necessary travel and related costs in connection with transporting handicapped individuals for the purpose of providing diagnostic or other vocational rehabilitation services under the State plan. Transportation includes costs of travel and subsistence during travel (or per diem allowances in lieu of subsistence) for handicapped individuals and their attendants or escorts, where such assistance is needed.

**§ 401.29 Maintenance.** (a) The State plan shall specify the policies established for provision of maintenance, and shall provide that maintenance will be furnished only in order to enable an individual to derive the full benefit of other vocational rehabilitation services being provided. As needed in the individual case, maintenance may be provided at any time in connection with vocational rehabilitation services from the date of initiation of such services, including diagnostic services, to a reasonable period following placement.

(b) The State plan may provide that the agency will assume responsibility for provision, as a part of maintenance, of amounts to cover the cost of short periods of medical care for acute conditions arising in the course of vocational rehabilitation, which, if not cared for, would constitute a hazard to the achievement of the vocational rehabilitation objective.

**§ 401.30 Placement.** The State plan shall provide that the State or local rehabilitation agency will assume responsibility for placement of individuals accepted for service. The State plan shall set forth the standards established for determining if the client is suitably employed, and shall provide for a reasonable period of follow-up after placement to assure that the vocational rehabilitation of the client has been successfully achieved.

**§ 401.31 Tools, equipment, initial stocks and supplies, occupational licenses.** The State plan shall describe the policies governing the provision of tools, equipment, initial stocks (including livestock) and supplies, and equipment, initial stocks and supplies for vending stands. The State plan shall further describe the conditions governing the provision of occupational licenses. The State plan shall also indicate any monetary maxima that the State agency has established with respect to the provision of any of the foregoing items in any one case.

**§ 401.32 Other goods and services.** The State plan shall set forth the policies that the State agency will follow in providing other goods and services necessary to render a handicapped individual fit to engage in a remunerative occupation.

**§ 401.33 Vending stands and other small businesses for severely handicapped individuals operated under management of State agency.** If the State agency wishes Federal financial participation in establishing vending stands or other small businesses for the severely handicapped, to be managed or supervised by the State or local rehabilitation agency, the State plan shall: (a) Describe the policies governing the acquisition of vending stands or other equipment and initial stocks (including livestock) and supplies for such businesses; (b) set forth any monetary maxima established for any one business; (c) describe the policies governing the management and supervision of the program; (d) describe how management and supervision will be accomplished either by the State or local rehabilitation agency, or by some other organization as the nominee of such agency, subject to its control; and (e) provide that only those individuals defined as severely handicapped in the State plan will be selected to participate in this supervised program.

**§ 401.34 Workshops.** If a State agency desires Federal financial participation in establishing public or other non-profit workshops, the State plan shall (a) set forth the criteria and standards relating to the establishment of such workshops; (b) describe the State agency's criteria and standards applicable to such workshops with respect to health, safety, wages, hours, working conditions, workmen's compensation, and other pertinent conditions; and (c) provide that the State agency will determine that need for the workshops exists prior to its establishment.

**§ 401.35 Rehabilitation facilities.** If a State agency desires Federal financial participation in establishing public or other non-profit rehabilitation facilities, the State plan shall set forth the criteria and standards relating to the establishment of such facilities; and shall provide that the State agency, prior to the establishment of a rehabilitation facility, will determine that need for such facility exists. The State plan shall further provide for coordination between the State agency and the State agency administering the Medical Facilities Survey and Construction Act of 1954 (Pub. Law 482, 83d Cong., 2d Sess.) to prevent duplication of rehabilitation facilities and impairment of the objectives of the State program developed under that act.

**§ 401.36 Services to civil employees of the United States.** The State plan shall provide that vocational rehabilitation services will be made available to civil employees of the United States Government who are disabled in line of duty, under the same conditions as are applied to other handicapped individuals.

**§ 401.37 Authorization of services.** The State plan shall set forth the State agency's policies with respect to authorization of services, and shall provide that written authorization will be made either simultaneously or prior to the purchase of services, and that a record of such authorization will be retained. Where agency policy permits that oral authorization may be made in an emer-

gency situation by an employee of the State or local rehabilitation agency, the State plan shall provide for documentation of such oral authorization in the client's case record.

#### FEDERAL FINANCIAL PARTICIPATION

**§ 401.38 Effect of State rules.** Subject to the provisions and limitations of the act and this part, Federal financial participation will be available in expenditures made under the State plan (including the administration thereof) in accordance with applicable State laws, rules, regulations, and standards governing expenditures by State and local rehabilitation agencies.

**§ 401.39 Diagnostic and related services.** Federal financial participation will be available in expenditures made under the State plan for diagnostic and related services, including transportation, incidental to the determination of eligibility for and the nature and scope of services to be provided.

**§ 401.40 Guidance, training and placement.** Federal financial participation will be available in expenditures made under the State plan for the provision of guidance, training, and placement services to handicapped individuals.

**§ 401.41 Vocational rehabilitation services conditioned upon economic need.** Federal financial participation will be available in expenditures made under the State plan for providing the following vocational rehabilitation services to eligible handicapped individuals found to be in economic need:

(a) Physical restoration services.  
(b) Maintenance, except that Federal financial participation will not be available in payments for maintenance made in connection with the placement of a handicapped person after he actually receives remuneration for his employment or, in the case of a handicapped person placed in self-employment, after thirty days from the time the person is so placed. Federal financial participation in expenditures for short periods of medical care for acute conditions arising during the course of vocational rehabilitation, which, if not cared for, would constitute a hazard to the achievement of the vocational rehabilitation objective, will be available only for a period not to exceed thirty days in the case of any one illness.

(c) Transportation, except where necessary in connection with determination of eligibility or nature and scope of services.

(d) Occupational licenses.  
(e) Books and training materials.  
(f) Tools, equipment, and initial stocks (including livestock) and supplies; equipment and initial stocks and supplies for vending stands; and necessary shelters in connection with the foregoing items.

(g) Other goods and services (such as business licenses and reader or attendant services), not contra-indicated by the act and this part, necessary to render a handicapped individual fit to engage in a remunerative occupation. Federal financial participation will not be available in any expenditure made, either directly or indirectly, on behalf of a



handicapped individual for the purchase of any land, or for the purchase or erection of any building or buildings.

The State may, if it so elects, retain legal title to any or all of the goods listed in paragraphs (e) and (f) of this section.

**§ 401.42 Vending stands and small businesses under management and supervision of State agency.** Federal financial participation will be available in expenditures made under the State plan for the acquisition of vending stands or other equipment, initial stocks (including livestock) and supplies, and necessary shelters in connection with the foregoing items, for use by severely handicapped individuals in any type of small business under the management and supervision of the State or local rehabilitation agency. Federal financial participation will not be available in any expenditures for meeting the costs of continuing day-to-day management and supervision of such vending stands and other small businesses, nor for the purchase or rental of any land or erection of any building or buildings.

**§ 401.43 Establishment of public and other nonprofit rehabilitation facilities.** Federal financial participation will be available in expenditures made under the State plan for the establishment of public and other nonprofit rehabilitation facilities: *Provided, however,* That Federal financial participation will not be available in any expenditures for the purchase or rental of any land or buildings in connection with the establishment of such facilities.

**§ 401.44 Establishment of public and other nonprofit workshops.** Federal financial participation will be available in expenditures made under the State plan for the establishment of public and other nonprofit workshops: *Provided, however,* That Federal financial participation will not be available in any expenditures for the purchase or rental of any land or buildings in connection with the establishment of such workshops.

**§ 401.45 Administration.** Federal financial participation will be available in expenditures under the State plan for administration. Administration includes, among other things, program planning, development, and control; research; interpretation of the program to the public; personnel administration; use of advisory committees; and staff development, including educational leave. All expenditures for administration in which Federal financial participation is claimed must be subject to the administrative or supervisory control of the State agency, or, if performed by some other agency of the State, must be subject to such terms of a cooperative arrangement as will serve to assure consistency with the State agency's policies and objectives.

**§ 401.46 Purchase of goods, facilities, or services from other agencies of the State.** Federal financial participation will be available in expenditures under the State plan for payment of the costs incurred by other agencies of the State furnishing goods, facilities, or services to the State agency: *Provided, That* (a)

such payments are permissible under State law; (b) such costs are incurred to meet the needs of the State agency, and are not costs attributable to the general expense of the State in carrying out the overall coordinating, fiscal, and administrative functions of the State Government; and (c) such costs are extra, identifiable, and readily ascertainable either by segregation or as a prorata share of the cost of such goods, facilities, or services.

**§ 401.47 Insurance and taxes.** Federal financial participation will be available in expenditures made under the State plan for (a) the State or local rehabilitation agency's share of costs in employee benefit programs, such as retirement, group life or hospitalization insurance; (b) workmen's compensation; (c) burglary, robbery, and fire insurance, if permitted by the State, and reasonably necessary to protect funds in transit or in the custody of State or local agency personnel; (d) motor vehicle liability costs, where the State accepts responsibility for such loss; and (e) Federal, State, and local taxes, if the State or local rehabilitation agency is legally obligated to pay such taxes, and provided that all comparable agencies in the State are uniformly treated.

**§ 401.48 Costs of office space.** (a) Federal financial participation will be available in expenditures made under the State plan for costs of office space for State or local rehabilitation agencies that are incurred (1) for paying rent and service and maintenance costs in privately owned buildings; (2) in meeting the costs of service and maintenance in lieu of rent in publicly owned buildings; (3) in meeting rental charges in Federally and municipally owned buildings, where the municipality is not administering the vocational rehabilitation program locally; (4) in making necessary repairs and alterations to either privately or publicly owned buildings; and (5) for monthly rental charges, based on the cost of initial construction or purchase of State or locally owned buildings.

(b) All expense for office space must be based on an actual rental charge or a monthly rental rate that is a reasonable approximation of actual cost over a long-run period. Federal financial participation is available only for periods when the State or local agency occupies the space, and where the rate for any type of cost or combination does not exceed comparable rental in the particular community. Whenever the total charges for service and maintenance in lieu of rent in publicly owned buildings (paragraph (a) (2) of this section), or the monthly rental charge based on the cost of initial construction or purchase of publicly owned buildings (paragraph (a) (5) of this section), exceed 75 percent of the comparable rental, Federal financial participation will be available only upon special justification by the State agency.

**§ 401.49 State and local funds.** In order to receive the Federal share of expenditures under the State plan, expenditures from State or local funds under such plan equal to the State's share must be made. The State's share shall be the

difference between the Federal share (see §§ 401.51 and 401.64) and 100 per centum. For the purposes of this section, "State or local funds" means (a) funds made available by appropriation directly to the State or local rehabilitation agency, funds made available by allotment or transfer from a general departmental appropriation, or funds otherwise made available to the State or local rehabilitation agency by any unit of State or local government; or (b) contributions by private organizations or individuals, which are deposited in the account of the State or local rehabilitation agency in accordance with State law, for expenditure by, and at the sole discretion of, the State or local rehabilitation agency: *Provided, however,* That such contributions earmarked for meeting the State's share of providing particular services, in serving certain types of disabilities, or in providing services for special groups identified on the basis of criteria which would be acceptable for the earmarking of public funds, may be deemed to be State funds, if permissible under State law.

#### ALLOTMENT AND FINANCING

**§ 401.50 Allotment of Federal funds for vocational rehabilitation services.** Section 2 of the act prescribes the following method for determining a State's allotment for vocational rehabilitation services for each fiscal year beginning with the fiscal year 1955.

(a) From the sums available for any fiscal year for grants to States to assist them in meeting the costs of vocational rehabilitation services, each State shall be entitled to an allotment of an amount which bears the same ratio to such sums as the product of the population of the State and the square of its allotment percentage bears to the sum of the corresponding products for all the States, subject to the adjustments provided in paragraphs (b), (c) and (d) of this section.

(1) The "allotment percentage" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the continental United States (excluding Alaska), except that the allotment percentage shall in no case be more than 75 per centum or less than 33 1/3 per centum, and the allotment percentage for Hawaii shall be 50 per centum, and the allotment percentages for Alaska, Puerto Rico, and the Virgin Islands shall be 75 per centum.

(2) The allotment percentages shall be promulgated by the Secretary between July 1 and August 31 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation; provided, that the allotment percentages promulgated by the Secretary in the FEDERAL REGISTER under date of September 3, 1954, shall be conclusive for



the three fiscal years in the period ending June 30, 1957.

(b) (1) The allotment to any State for any fiscal year, as computed under paragraph (a) of this section, which is less than such State's base allotment, shall be increased to the amount of such base allotment.

(2) A State's base allotment is an amount equal to the amount allotted to such State for expenditures, under its State plan, for the fiscal year ending June 30, 1954 (which, in the case of the District of Columbia, shall be the amount made available to the Secretary in the Department of Health, Education, and Welfare Appropriation Act for 1954 for providing vocational rehabilitation services in the District of Columbia), increased by a uniform percentage which, if applied to the amounts so allotted to all the States, would increase the total of such allotments to \$23,000,000. This percentage is 5.4865771.

(c) The allotment to any State, as computed under paragraph (a) of this section for any fiscal year, which is greater than such State's base allotment by a percentage in excess of one and one-half times the percentage by which the sums available for allotments for such year exceed \$23,000,000, shall be reduced by the amount of such excess.

(d) Sums equal to the reductions effected under paragraph (c) of this section for any fiscal year shall be added to the allotments of other States as computed under paragraph (a) of this section for such year as follows: (1) The allotment of any State as so computed, which is less than such State's base allotment, shall be increased to the amount of such base allotment; (2) the remainder of such sums shall be used to increase by a uniform percentage the allotment of each of the States whose allotments were not subject to reduction under paragraph (c) of this section, but with such adjustments as may be necessary to prevent the allotment of any such States from exceeding the ceiling established under said paragraph (c) of this section.

(e) (1) Division of allotments: The act provides that, in those States where there was a separate agency for the blind during the fiscal year ending June 30, 1954, and where there is an agency for the blind during each subsequent consecutive fiscal year, a portion of such State's allotment equal to its base allotment be divided between the agency for the blind and the State agency administering or supervising the administration of the remainder of the plan in the same proportion that the allotment for the fiscal year 1954 was divided between such agencies.

(2) With the exception of the foregoing provision, the division of a State's allotment between the State agency for the blind and the State agency administering or supervising the administration of the remainder of the plan is a matter for State determination.

§ 401.51 *Payments from allotments.* From the sums allotted pursuant to § 401.50, the Director shall pay to each State which has an approved plan for vocational rehabilitation an amount

equal to the Federal share of the cost of vocational rehabilitation services under such plan, including the cost of administration of the plan, determined in accordance with the following method:

(a) Beginning with the fiscal year 1963, the Federal share for any State shall be 100 per centum less that percentage which bears the same ratio to 40 per centum as the per capita income of such State bears to the per capita income of the continental United States (excluding Alaska), except that the Federal share shall in no case be more than 70 per centum or less than 50 per centum, and the Federal share for Hawaii and Alaska shall be 60 per centum, and the Federal share for Puerto Rico and the Virgin Islands shall be 70 per centum. In computing the Federal share of a State for a year, the Director shall use the same figures for per capita incomes of the States and of the United States as were used in computing the allotment percentage of such State for such year.

(b) For the fiscal years 1955 through 1959, with respect to an amount equal to the State's base allotment, the Federal share for each State shall be the 1954 Federal share; with respect to amounts in excess of such base allotments, the Federal share for each State shall be determined in accordance with paragraph (a) of this section. A State's 1954 Federal share is the percentage which the base allotment of such State is of the sum of such allotment and the amount of 1954 State funds. The 1954 State funds for any State shall be the amount of State and other non-Federal funds available for expenditures, under such State's approved plan, for the fiscal year ending June 30, 1954, as estimated by the Secretary for purposes of determining such State's allotment for such year for such expenditures, except that the 1954 State funds for the District of Columbia shall be the amount appropriated for such fiscal year out of the general fund of the District of Columbia for vocational rehabilitation.

(c) For the fiscal years 1960, 1961, and 1962, with respect to an amount equal to the State's base allotment, the Federal share for each State shall be the Federal share for such State for such year, as determined in accordance with paragraph (a) of this section, increased (if it is less than such State's 1954 Federal share) or decreased (if it is greater than such State's 1954 Federal share) by 75 per centum, 50 per centum, and 25 per centum, respectively, of the difference between such Federal share for the year involved and the 1954 Federal share; with respect to amounts in excess of such base allotments, the Federal share for each State shall be determined in accordance with paragraph (a) of this section.

(d) In those States where the base allotment is divided between two agencies, pursuant to § 401.50 (e), separate Federal shares for each agency shall be established for each consecutive fiscal year ending with fiscal year 1962, with respect to an amount equal to the State's base allotment. In computing such separate Federal shares, the 1954 Federal share for each agency shall be the percentage which the portion of the

State's allotment made available to each for the fiscal year ending June 30, 1954, increased by the uniform percentage specified in paragraph (b) of § 401.50, is of the sum of such amount and the amount of 1954 State funds available to each for expenditures, under the approved State plan, during such year.

(e) The Director shall make no payment from that portion of a State's allotment in excess of the base allotment for the use of a State agency until such State has been paid on behalf of such agency an amount equal to its base allotment, or, in the case of a State having two agencies, an amount equal to such agency's share of the base allotment.

§ 401.52 *Method of computing and making payments.* The method of computing and paying grants for vocational rehabilitation services pursuant to section 2 of the act, and for extension and improvement projects under section 3 of the act, shall be as follows:

(a) *Estimates.* The Director shall, prior to each fiscal quarter or other period prescribed by him, estimate the amount to be paid each State from its allotment for vocational rehabilitation services and its allotment for extension and improvement projects. This estimate will be based on such records of the State and information furnished by it, and such other investigation, as the Director may find necessary.

(b) *Payments.* The Director shall pay, from the allotment available therefor, the amount so estimated by him for such period. In making any such payment, such additions and subtractions will be made as the State's accounting for any prior period and audit thereof may indicate as necessary in balancing the Federal-State account for any such prior period. Payments shall be made prior to audit or settlement by the General Accounting Office, shall be made through the disbursing facilities of the Treasury Department, and shall be made in such installments as the Director may determine.

§ 401.53 *Effect of payments.* (a) Neither the approval of the State plan nor any payment to the State pursuant thereto shall be deemed to waive the right or duty of the Secretary or Director to withhold funds by reason of the failure of the State to observe, before or after such administrative action, any requirement of the act or of this part.

(b) The final amount to be paid for any period is determinable on the basis of expenditures under the State plan for authorized purposes with respect to which Federal financial participation is authorized. The State assumes absolute responsibility for the initial application of Federal funds to authorized plan purposes. The State will be required to make transfers and adjustments to discharge its accountability to the Federal Government.

§ 401.54 *Interest and refunds.* Interest earned on grants made under the act shall be duly credited to the principal of the grant. All such earnings of interest shall be duly reported. Any amount refunded or repaid to the State shall be credited to the Federal account in pro-



portion to the Federal participation in the expenditures by reason of which such refunds or repayments were made, and such sums shall be considered as granted from the State's allotment.

§ 401.55 *Determining to which fiscal year an expenditure is chargeable.* In determining to which Federal fiscal year expenditures are chargeable for the purpose of earning the State's allotment under section 2 or section 3 of the act, State laws and regulations for determining to which State fiscal year an expenditure is chargeable will be followed. In those States which appropriate funds for a biennium and do not distinguish between the separate fiscal years of the biennium, the State laws and regulations for determining to which biennium an expenditure should be charged will be applied in determining to which Federal fiscal year an expenditure is properly chargeable. In those States where the State fiscal year does not coincide with the Federal fiscal year, State laws and regulations for determining to which State fiscal year an expenditure is chargeable will be applied to the Federal fiscal year.

#### TRANSITION

§ 401.56 *Transition provisions.* Although the reimbursement provisions of the act were effective as of July 1, 1954, section 12 of the act sets forth the following transition provisions:

(a) *Existing State plans.* A State plan approved under Public Law 113, 78th Congress, 1st Session, remains in effect until July 1, 1955, subject to the same conditions under which it was approved, unless it is superseded prior to July 1, 1955, by a new State plan approved under section 5 of the act and this part.

(b) *Plan amendments.* (1) Until a new plan is submitted, a material change in any phase of State law, organization, policy, or method which heretofore would have had to be submitted as an amendment to the State plan under Public Law 113, 78th Congress, 1st Session, will continue to be submitted as an amendment to the existing State plan.

(2) If, prior to submission of a new plan, a State agency wishes to provide vocational rehabilitation services which are not now included in its State plan but which are included in the broadened definition of vocational rehabilitation services in the new act, it must amend its existing plan accordingly, in order to become entitled to Federal financial participation in expenditures for such additional services.

#### SUBPART C—GRANTS TO STATES FOR EXTENSION AND IMPROVEMENT PROJECTS

§ 401.60 *General requirements.* Under the authority of section 3 of the act, States providing vocational rehabilitation services under an approved State plan may receive grants to assist them in initiating projects for the extension and improvement of such vocational rehabilitation services by meeting the requirements hereinafter set forth. Each such project for which a State desires such assistance must be approved by the Director, and the necessary conditions for such approval are as follows: (a) The extension and improvement project

undertaken by the State agency must be an organized plan of identifiable activities to extend or improve the provision of vocational rehabilitation services, over and above those vocational rehabilitation services currently being provided; (b) the project activity or activities must already be included within the scope of the State's approved plan, or such plan must be amended to include them. The Director shall approve any project which meets the foregoing requirements, and which he finds constitutes, or will contribute materially to, an extension or improvement of vocational rehabilitation services under the State plan.

§ 401.61 *Project submittal.* An extension and improvement project may be submitted for approval at any time to the Office of Vocational Rehabilitation. The project must be submitted by a duly authorized officer of the State agency, in such form as the Director may prescribe. Each project submitted shall (a) describe the specific activities to be undertaken, showing how they constitute or will contribute to an extension or improvement of current vocational rehabilitation services; (b) specify the duration of the project; (c) set forth the budget for the project and the method for meeting costs; and (d) provide such other information as the Director may find necessary to insure that the project meets the requirements for approval hereinbefore set forth. With respect to extension and improvement projects, it is further provided that the State agency shall maintain such accounts and supporting documents as will permit the making of an accurate and expeditious examination at any time of the disposition and status of the Federal grants, and will submit and verify such other reports as the Director may from time-to-time reasonably require.

§ 401.62 *Project amendments.* An amendment to an approved project for extension and improvement shall be submitted whenever necessary to reflect any material change in the scope of the project or in its operation and administration. If for any reason an approved project is discontinued, the State agency shall notify the Office of Vocational Rehabilitation, giving the reasons for termination, an accounting of funds granted for the project, and other pertinent information.

§ 401.63 *Allotment of Federal funds for extension and improvement projects.* Section 3 of the act provides that, from the sums available for any fiscal year for grants to States to assist them in initiating projects for the extension and improvement of vocational rehabilitation services, each State shall be entitled to an allotment of an amount which bears the same ratio to such sums as the population of such State bears to the population of all the States. The act further provides that the allotment to any State for any fiscal year which is less than \$5,000 (or such other amount as may be specified as a minimum allotment in the act appropriating such sums for such year) shall be increased to that amount, the total of the increases thereby required being derived by proportionately

reducing the allotments to each of the remaining States, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than that amount.

§ 401.64 *Payments from allotments.* (a) From the sums allotted pursuant to § 401.63, the Director shall pay to each State, with respect to any approved extension and improvement project, an amount equal to 75 per centum of the cost of such project (including its administration), except that, at the request of the State, such payment may be less than such percentage of the cost of such project.

(b) Payments under this section with respect to any project may be made for a period not exceeding three years, beginning with the commencement of the first fiscal year for which any payment is made for such project under paragraph (a) of this section. If any approved extension and improvement project extends beyond such three-year period, payments may continue to be made with respect to such projects in accordance with the provisions of section 2 of the act and § 401.51.

(c) For purposes of determining the commencement of Federal participation in any extension and improvement project under section 3 of the act, the effective date for the commencement of such project shall be the date of its submission for approval (or a later date, at the request of the State); or, with respect to projects initiated subsequent to August 3, 1954, and prior to the promulgation of this part, the Director shall determine the effective date for such projects.

(d) No payment shall be made from an allotment under section 3 of the act with respect to any cost of an extension and improvement project for which payment has been made under section 2 or section 4 of the act.

§ 401.65 *Method of computing and making payments.* The method of computing and paying amounts pursuant to § 401.64 shall be in accordance with the provisions of § 401.52.

#### SUBPART D—GRANTS FOR SPECIAL PROJECTS PROJECTS UNDER SECTION 4 (A) (1) OF THE ACT

§ 401.66 *Purpose.* Special project grants authorized in section 4 (a) (1) of the act shall be made for the purpose of paying part of the cost of organized, identifiable activities which are undertaken to seek solutions to vocational rehabilitation problems common to all or several States, or to contribute to the development of more effective vocational rehabilitation services in all or several States. Types of projects for which such grants may be made are: (a) Research in vocational rehabilitation; (b) demonstration programs in rehabilitation; (c) training, including professional education of personnel in all fields or disciplines which contribute to vocational rehabilitation, through provision of training, teaching or traineeship grants; and (d) establishment of special rehabilitation facilities or services meeting



the purpose specified in section 4 (a) (1) of the act.

**§ 401.67 Applications.** Applications for special project grants may be made at any time by State vocational rehabilitation agencies and by other public or nonprofit agencies and institutions, including universities and other educational institutions. Applications shall be made in the form and detail required by the Director. The project application shall cover (a) a statement of the purpose of the project; (b) designation of an individual as director-in-charge; (c) a description of the nature and scope of the activities to be undertaken and methods to be used in accomplishing the purpose; (d) a proposed budget; (e) an agreement to safeguard personal information pertaining to individuals served or studied under the project; and (f) an agreement to make such reports and to keep such records and accounts, including property and financial controls, as the Director may require, and to make such records available for audit purposes.

**§ 401.68 Federal financial participation.** (a) Federal financial participation will be available for the following types of expenditures under projects approved by the Director: (1) Salaries, cost of travel and related expenses of project personnel, (2) necessary supplies, equipment, and related expenses, (3) purchase or provision of vocational rehabilitation services to individuals served by the project, and (4) costs of administration and other indirect costs of the project, subject to such limitations as the Director may establish. Expenditures under the project shall be in connection with the conduct of the project as approved. Federal funds may not be used to provide training to any individual in any one course of study extending for more than two years.

(b) The 1955 Supplemental Appropriation Act provides that grants from that appropriation for special projects shall not exceed \$2 for every \$1 spent by the grantee, or the State agency and the grantee.

**§ 401.69 Approval of State agency.** The approval of the appropriate State vocational rehabilitation agency shall be secured by the applicant, if other than the State agency, for any special project which involves either direct services to handicapped individuals or the establishment of facilities which will render direct services to handicapped individuals of that State.

**§ 401.70 Duration of project.** The project shall remain in effect for the period specified in the notice of approval or until otherwise terminated in accordance with this part.

**§ 401.71 Payments.** Payments of the Federal share of the special project shall be made in advance for estimated costs of operating the project, or as reimbursement to the grantee for services performed or purchases made, according to the method of payment best suited to the type of project activity. No payments made under section 4 of the act shall duplicate payments made under section 2 or section 3 of the act.

**§ 401.72 Revisions.** A project grantee shall request that the project be revised whenever the approved plan of operation or method of financing is materially changed. Revisions originating with the grantee shall be submitted in writing and reviewed as a new project application. Project revisions may be initiated by the Director if, on the basis of reports, it appears that Federal funds are not being used effectively, or if changes are made in Federal appropriations, laws, regulations, or policies governing special projects.

**§ 401.73 Termination.** The Director may exercise discretion in discontinuing any special project grant, provided that he finds that the grantee has failed to comply with any agreement or to carry out the project in accordance with the approved application, or that any project reports are incorrect or incomplete in any material respect.

**§ 401.74 Publications.** Grantees may publish results of any special projects without prior review by the Office of Vocational Rehabilitation, provided that their published papers carry a footnote acknowledging assistance received under the special project grant, and that copies of the publication are furnished to the Office of Vocational Rehabilitation.

**§ 401.75 Patent and copyright policy.** If any patentable discoveries or inventions are made in the course of the work aided by a special project grant, the grantee shall refer to the Office of Vocational Rehabilitation the question of whether such patentable discoveries or inventions shall be patented and the manner of obtaining and disposing of the proposed patents in order to protect the public interest. Where a grant is made without condition and a book or other material is privately published, the author is free to copyright the work and to make such arrangements with his publisher as if the Government had not contributed support to the project.

#### EXPANSION GRANTS

**§ 401.76 General requirements.** Under section 4 (a) (2) of the act, grants may be made to States and public and other nonprofit organizations and agencies for the purpose of planning, preparing for, and initiating a substantial expansion of vocational rehabilitation programs in the States, during the fiscal year ending June 30, 1955, and the fiscal year ending June 30, 1956. Applications for expansion grants shall be made in the form and detail required by the Director. The approval of the State agency shall be secured by the applicant for the expansion grant, if other than the State agency, for any activity which involves either direct services to handicapped individuals or the establishment of facilities which will render direct services to handicapped individuals of that State. Such grants shall be made only if the Director is satisfied that the State agency will comply with such conditions concerning the utilization of allotments and the expenditure of State funds as he may find necessary to assure: (a) With respect to grants for the use of State or local rehabilitation agencies, that any available State or local funds will first

be used to earn allotments under section 2 of the act; (b) with respect to grants to other public or nonprofit organizations and agencies, that any available State or local funds will first be used to earn any available Federal funds. Grants to other public or nonprofit organizations and agencies may be made only on recommendation of a State agency.

**§ 401.77 Federal financial participation.** (a) Federal financial participation will be available for expenditures incurred in the approved expansion activity, subject to such limitations as the Director may establish. Payments of the Federal share may be made in advance for estimated costs of operation, or as reimbursement to the grantee, and shall be subject to such requirements as the Director may establish.

(b) No grant may be used to provide training to an individual in any one course of study extending for more than two years.

(c) The 1955 Supplemental Appropriation Act provides that grants from that appropriation for purposes of expansion activity shall not exceed \$2 for every \$1 spent by the grantee, or the State agency and the grantee.

#### SUBPART E—NATIONAL ADVISORY COUNCIL ON VOCATIONAL REHABILITATION

**§ 401.78 National Advisory Council on Vocational Rehabilitation—(a) Appointment and composition.** The National Advisory Council on Vocational Rehabilitation shall consist of the Secretary (or his designee) as Chairman, and twelve members appointed by the Secretary without regard to civil service laws. The twelve appointed members shall be leaders in fields concerned with vocational rehabilitation or in public affairs, and six of such twelve shall be selected from leading medical, educational, or scientific authorities who are outstanding for their work in the vocational rehabilitation of handicapped individuals. Three of the twelve appointed members shall be persons who are themselves physically handicapped.

(b) **Term of office.** Each appointed member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term; and except that, of the members first appointed, three shall hold office for a term of three years, three shall hold office for a term of two years, and three shall hold office for a term of one year, as designated by the Secretary at the time of appointment. None of such twelve members shall be eligible for reappointment until a year has elapsed after the end of his preceding term.

(c) **Duties.** The Council is authorized to review applications for special projects submitted under section 4 of the act and recommend for grants any such projects, or any projects initiated by it, which it believes show promise of making valuable contributions to the vocational rehabilitation of physically handicapped individuals. The Secretary is author-



ized to utilize the services of any member or members of the Council in connection with matters relating to the administration of section 4 of the act for such periods, in addition to conference periods, as he may determine.

(d) *Per diem payments.* Appointed members of the Council, while attending meetings of the Council or while otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding \$50 per diem, and shall also be entitled to receive an allowance for actual and necessary traveling and subsistence expenses while so serving away from their places of residence.

(e) *Report to Congress.* The Secretary shall transmit to the Congress annually a report concerning the special projects initiated under section 4 of the act, the recommendations of the National Advisory Council on Vocational Rehabilitation, and any action taken with respect to such recommendations.

#### SUBPART F—TRAINING AND RESEARCH

§ 401.80 *Training and instruction.* Under the authority of section 7 of the act, the Director is authorized to provide short-term training and instruction in technical matters relating to vocational rehabilitation services, for the purpose of increasing the number and competence of professional personnel concerned with providing such services. Such training and instruction shall include the establishment and maintenance of traineeships and research fellowships to provide financial assistance to individuals who are (a) pursuing technical or other specialized training courses; or (b) securing advance research training or carrying out independent research in rehabilitation problems or methods.

#### TRAINEESHIP AWARDS

§ 401.81 *Benefits.* Traineeship awards shall include (a) amounts allowed to meet living costs of the trainee during training, payable according to the methods, intervals, and rates established by the Director; and (b) upon request of the trainee and approval of the Director, costs of travel and necessary per diem allowance in lieu of subsistence in connection with the training course, in conformity with the Standard Government Travel Regulations.

§ 401.82 *Eligibility requirements.* A candidate for a traineeship award shall meet the requirements established by the Director, including: (a) The candidate shall have filed an application in the form and manner prescribed by the Director and have supplied all pertinent information requested; (b) he shall have been accepted by an educational institution for admission to a course of study meeting the standards established by the Director with respect to rehabilitation training; (c) he shall be a citizen of the United States, or shall have declared his intention of becoming one; (d) he shall have executed and filed with the Office of Vocational Rehabilitation an affidavit that he does not advocate, and is not a member of any organization that advo-

cates or teaches, the overthrow of the United States Government by force or violence or by any illegal or unconstitutional methods; (e) he shall not receive other Federal educational benefits during the period of the Office of Vocational Rehabilitation traineeship; and (f) he shall meet any other requirements set by the Director as necessary to carry out the purposes of this section of the act.

§ 401.83 *Conditions.* (a) Training shall be carried out only at the educational institution or agency designated by the Director in the traineeship award. A change of the training institution shall be made by the trainee only with the consent of the Director.

(b) Individuals receiving traineeship awards shall not be required to perform any services for the Office of Vocational Rehabilitation.

(c) The Office of Vocational Rehabilitation assumes no responsibility for employing or placing an individual awarded a traineeship grant, and a trainee is free to seek employment of his own choice upon conclusion of training supported by the grant.

(d) Any publication resulting from work accomplished by virtue of the traineeship award shall include an acknowledgment of the award, and copies of such publication shall be furnished to the Office of Vocational Rehabilitation.

§ 401.84 *Duration.* A traineeship award shall extend for one academic year, unless a shorter period is specified in the award. The Director may extend or renew an award upon application; provided that no training or instruction shall be provided to any individual for any one course of study for a period longer than two years.

§ 401.85 *Payment.* Payment of traineeships shall be made according to methods and in amounts established by the Director. No payment shall be made to any individual awarded a traineeship unless he has executed and filed with the Office of Vocational Rehabilitation an affidavit that he does not advocate, and is not a member of any organization that advocates or teaches, the overthrow of the United States Government by force or violence or by any illegal or unconstitutional methods.

§ 401.86 *Termination.* The Director may terminate any traineeship prior to the date it would otherwise expire, either on request of the trainee or because of unsatisfactory performance, unfitness, or inability to carry out the purpose of the traineeship.

#### RESEARCH FELLOWSHIPS

§ 401.87 *Benefits.* Research fellowship awards shall include: (a) Amounts to defray the individual's living costs, at rates fixed by the Director; (b) actual tuition costs and related fees, payable directly to the educational institution or facility; (c) vacation or other leave in accordance with the custom of the institution at which the fellow is working, but not in excess of one month per year; and (d) transportation and related expenses, in accordance with the Standard Government Travel Regulations, for

travel to the location of the fellowship and travel required to carry out the purposes of the fellowship, including attendance at meetings. Such travel allowance shall not include expenses of transporting dependents or shipping charges for personal effects or household goods.

§ 401.88 *Eligibility requirements.* A candidate for a fellowship shall meet the qualifications established by the Director for carrying out the purpose of research fellowships, including: (a) The individual shall have filed an application in the form and manner prescribed by the Director, and shall have supplied pertinent information with respect to his scholastic and other qualifications and personal fitness for the proposed work; (b) he shall be a citizen of the United States or shall have declared his intention of becoming one; (c) he shall not be receiving other Federal educational benefits during the period of the Office of Vocational Rehabilitation fellowship; and (d) he shall have executed and filed with the Office of Vocational Rehabilitation an affidavit that he does not advocate, and is not a member of any organization that advocates or teaches, the overthrow of the United States Government by force or violence or by any illegal or unconstitutional methods.

§ 401.89 *Conditions.* Research under a rehabilitation research fellowship shall be carried out only at the educational institution or facility specified in the award. All publications resulting from work carried on under an Office of Vocational Rehabilitation research fellowship shall carry appropriate acknowledgment of the award, and copies of such publications shall be furnished to the Office of Vocational Rehabilitation.

§ 401.90 *Duration.* A research fellowship may be awarded for varying periods, such as for a school year, and may be subject to extension or renewal by the Director; provided that no research fellowship shall be awarded to any individual for any one course of study for a period longer than two years.

§ 401.91 *Payment.* Payment of fellowship awards shall be made according to methods and rates established by the Director. No payment shall be made to any individual fellow unless he has executed and filed with the Office of Vocational Rehabilitation an affidavit that he does not advocate, and is not a member of any organization that advocates or teaches, the overthrow of the United States Government by force or violence or by any illegal or unconstitutional methods.

§ 401.92 *Termination.* The Director may terminate a research fellowship appointment before its expiration date at the request of the fellow or because of unsatisfactory performance, unfitness, or inability to carry out the purposes of the award.

Dated: November 24, 1954.

[SEAL] OVETA CULP HOBBS,  
Secretary.

[F. R. Doc. 54-9513; Filed, Dec. 1, 1954; 8:46 a. m.]



# TITLE 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket Nos. 10627, 11114; FCC 54-1429]

[Rules Amdts. 2-22, 8-12]

### PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

### PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

### FREQUENCY ALLOCATIONS; PASSENGER SHIP RADIOTELEGRAPH WORKING BANDS

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of frequencies in the bands 4133-4177 kc, 6200-6265.5 kc, 8265-8354 kc, 12400-12531 kc and 16530-16708 kc, Docket No. 10627; amendment of Part 8 of the Commission's rules and regulations concerning the inauguration of use of the passenger ship radiotelegraph working bands between 4 and 23 Mc as provided by the Geneva (1951) Agreement, Docket No. 11114.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of November 1954;

The Commission having under consideration its proposals in the above entitled matters; and

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notices of proposed rule making in the above entitled matters which made provision for the submission of written comments by interested parties, were duly published in the FEDERAL REGISTER on respective dates of August 14, 1953 (18 F. R. 4860) and August 4, 1954 (19 F. R. 4881) and that the period for the filing of comments has now expired; and

It further appearing, that the sole comment filed in these matters was by Aeronautical Radio Incorporated (ARINC) and pertained to Docket 10627; that such comment objected to the Commission's proposal because of existing ARINC assignments in Alaska and Hawaii on the frequency 16630 kc which frequency is within the 16 Mc Passenger Ship working band; that such objection has now been resolved by virtue of replacement frequencies having been made available for the 16630 kc assignments; that the ARINC 16630 kc assignments have since been deleted; and

It further appearing, that this action is in accordance with the procedure outlined in the Extraordinary Administrative Radio Conference Agreement concluded at Geneva in 1951 for bringing the exclusive maritime mobile service bands into force; and

It further appearing, that there is no reason at this time to prohibit existing out-of-band maritime mobile service operations on the Mississippi River system and that the adoption of a suitable footnote to the table of frequency allocations is considered desirable; and

It further appearing, that the public interest, convenience, and necessity will be served by the amendment herein ordered, the authority for which is contained in sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective January 1, 1955, Parts 2 and 8 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1062, as amended; 47 U. S. C. 303)

Released: November 26, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

Amend footnote 2 to § 2.104 (a) (3) (i) and (iii) so as to reflect the additions of the Atlantic City passenger ship working bands. This footnote will then read as follows:

"The provisions of this section, except for frequencies authorized to aircraft for communication with foreign stations, do not apply for the authorization of frequencies within the following frequency bands:

Kc.	Kc.
2035-2107	11000-11100
3500-4063	11700-11975
4133-4238	12400-12714
5450-5480	14000-15010
5500-5550	15100-15450
5950-6357	16530-16952
7000-7300	17700-17900
8265-8476	19990-25000
9040-10005	

2. Subparagraph (5) of paragraph (a) Table of frequency allocations of § 2.104 is amended by the addition of the footnote designator NG34 to column 7 in the band, 6200-6265.5 kc and by the adoption of the following footnote:

(NG34) The frequency, 6240 kc, may be authorized to ship telephone stations and coast telephone stations operating in the Mississippi River maritime mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

3. Section 8.321 (a) (1) is amended by substituting the following text in lieu of the text preceding the table:

(1) Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be authorized as an assigned frequency for use by ship stations (public or limited) employing telegraphy in accordance with the provisions of paragraph (b) of this section and Subpart E of this part. (The specific frequencies above 515 kc listed in this part shall not be assignable to ship stations (public or limited) on board cargo ships after January 1, 1955, and passenger ships after January 15, 1955.)

2. Section 8.324 (e) (1) is amended by revising the bands of frequencies to read:

2065-2107 kc*
4133-4177 kc*
6200-6265.5 kc*
8265-8354 kc*
12400-12531 kc*
16530-16708 kc*
22070-22220 kc

and by inserting footnote 3 after the table to read:

\*Available on and after January 1, 1955.

3. Section 8.324 (f) (2) is amended to read as follows:

(2) On a telegraph working channel of a coast station within the bands 415 to 490 kc and 4000 kc to 17000 kc when directed to do so by the coast station for which the channel is authorized.

NOTE: Not applicable after January 1, 1955 to frequencies between 4000 and 17000 kc for cargo vessels and after January 15, 1955, to frequencies between 4000 and 17000 kc for passenger vessels.

[F. R. Doc. 54-9517; Filed, Dec. 1, 1954; 8:47 a. m.]

[FCC 54-1425]

[Rules Amdt. 7-8]

### PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

#### MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of November 1954;

The Commission having under consideration the provisions of Parts 2 and 7 with respect to the use of the frequency 27.255 Mc by fixed stations; and

It appearing, that in accordance with the provisions of Part 2 of the Commission's rules, the frequency 27.255 Mc, within the frequency band 27.23 to 27.28 Mc, is available for assignment to non-Government fixed, land or mobile stations subject to no protection from interference due to operation of industrial, scientific and medical equipment on the frequency 27.12 Mc; and

It further appearing, that licensees of stations on land in the maritime services have need for radio circuits for auxiliary operations and the frequency 27.255 Mc would be suitable for such circuits, and that Part 7 of the rules should be amended to permit such operation; and

It further appearing, that the proposed amendment is solely for the purpose of listing a frequency in Part 7 of the rules which has already been made available to the respective services for the indicated uses, by previous action of the Commission, and, therefore, that general notice of proposed rule making, as prescribed by section 4 (a) of the Administrative Procedure Act, is unnecessary; and

It further appearing, that authority for this action is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended;

It is ordered, That effective December 31, 1954, Part 7 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1062, as amended; 47 U. S. C. 303)

Released: November 26, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.



1. Section 7.131 (d) is amended to read as follows:

(d) Authorized frequency tolerances for fixed stations operating in the maritime fixed services:

Frequency or frequency range:	Percent
(1) From 2000 to 2450 kc: Marine fixed stations and marine receiver-test stations.....	0.005
(2) For 27.255 Mc: The authorized frequency tolerance for marine control, marine repeater and marine relay stations shall be specified in the respective station authorization.	
(3) From 72 to 76 Mc: Marine control, marine repeater and marine relay stations.....	0.005
(4) From 100 to 200 Mc: Marine receiver-test stations.....	0.005

2. The last item in § 7.132 (a) (3) is amended to read as follows:

Marine control, marine repeater and marine relay stations:	
27.255 Mc.....	A1, A2, A2a, A2b, A3 and for brief testing A0.
72 Mc to 76 Mc.....	A1, A2, A2a, A2b, A3, F1, F2, F3; and for brief testing A0, F0.

3. Section 7.134 (g) is amended to read as follows:

(g) For marine control, marine repeater, and marine relay stations operating on the frequency 27.255 Mc or within the frequency band 72 to 76 Mc, and for other classes of stations subject to this part operating on frequencies above 162.05 Mc, the authorized transmitter-power shall be specified in the respective station authorization.

4. Section 7.484 is amended by adding a new paragraph (c) to read as follows:

(c) The frequency 27.255 Mc is available for use by marine control stations, marine repeater stations and marine relay stations on a shared basis with stations in other services and must accept any harmful interference from the operation of industrial, scientific and medical equipment in the frequency band 26.96 to 27.28 Mc.

[F. R. Doc. 54-9518; Filed, Dec. 1, 1954; 8:47 a. m.]

[FCC 54-1427]

#### PART 11—INDUSTRIAL RADIO SERVICES

##### POWER RADIO SERVICE; ELIGIBILITY

1. It has been formally brought to our attention that § 11.251 (a) (1) governing eligibility in the Power Radio Service is ambiguous insofar as it does not specifically include persons engaged in the controlled collection or distribution of water by means other than pipe line.<sup>1</sup> In addition, it appears advisable to clarify the meaning of that section by differentiat-

<sup>1</sup> Section 11.251 (a) (1) of the Commission's rules provides: "A person who is engaged in generating, transmitting, collecting, purifying, storing, or distributing, by means of wire or pipe line electrical energy, artificial or natural gas, water, or steam for use by the public or by the members of a cooperative organization."

ing clearly those persons already eligible in the Petroleum Radio Service (by virtue of the operation of natural gas wells or cross-country natural gas transmission pipe lines) from those eligible in the Power Radio Service by virtue of being engaged in the local distribution of artificial or natural gas by means of pipe line. Applications now before us make it advisable to rectify these ambiguities at the earliest possible moment.

2. Attention is invited to the fact that since the adoption of the Power Radio Service Rules in 1949, we have proceeded on the assumption that persons engaged in the controlled collection and distribution of water were not disqualified merely because some or all of their activities are accomplished via open conduit, as opposed to pipe line. Non-Government irrigation operators in the West and the Southwest comprise the bulk of such users, but we also desire to point out that many other municipal and private water systems, even though in fact distributing water to the public by means of pipe line, also collect water and transport it to their storage and filtration plants by means of aqueduct, canal and open ditch preparatory to such distribution. It was never our intention to forbid the use of radio in connection with such operations.

3. Attention is also invited to the fact that § 11.251 (a) (1), as presently written, could be interpreted to admit persons engaged in "transmitting, collecting, purifying (and) storing" natural gas, even though not additionally engaged in the distribution thereof to the general public. While such an inference might reasonably be drawn from the wording of the present rule, it was never our intention that it should be so interpreted. On the contrary, the Petroleum Radio Service was established, among other reasons, for the purpose of meeting the communications requirements of cross-country natural gas transmission companies. Licensees in this category are not normally engaged in the local distribution of natural gas to the general public. It was our intention that the latter type of operation should take place in the Power Radio Service, and the former in the Petroleum Radio Service unless combined in a single integrated operation, in which event application would properly be made in the Power Radio Service. Frequencies were made available to these respective services with the foregoing distinction clearly in mind, and the rules governing both services have been consistently interpreted in recognition of that distinction. Accordingly, the changes embodied below are intended only to provide more clearly for the eligibility of non-Government irrigation systems in the Power Radio Service, as well as to eliminate any possible misunderstanding as regards the eligibility status of cross-country natural gas transmission companies under the rules governing the Power Radio Service. These changes have been accomplished by means of a general editorial revision of § 11.251. It will be noted that subparagraphs (1), (2) and (3) of paragraph (a) of the new rule replace the old subparagraph (1), set forth in footnote 1 to this document.

4. Accordingly, pursuant to the provisions of sections 4 (i), 303 (b) and 303 (r) of the Communications Act of 1934, as amended, § 11.251 of the Commission's rules governing the Industrial Radio Service is hereby amended to clarify the eligibility requirements of the Power Radio Service in keeping with the original intent of the Commission and in keeping with the accepted meaning of that Section since the date of its original adoption.

5. In view of the fact that this revision is editorial and interpretative in nature, and is put forward only for the purpose of codifying Commission policy, we believe general notice of proposed rule making in accordance with the provisions of section 4 of the Administrative Procedure Act to be impracticable and unnecessary. Moreover, in view of the need for prompt action on certain applications now pending before the Commission in connection with which these questions of interpretation have been formally raised, we believe that this revision should be made effective immediately.

6. Therefore: *It is ordered*, This 24th day of November 1954, that § 11.251 of the Commission's rules governing the Industrial Radio Services (Subpart F—Power Radio Service) be amended as set forth below: *And it is further ordered*, That this amendment shall become effective immediately.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1062, as amended; 47 U. S. C. 303)

Released: November 26, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

Amend § 11.251 to read as follows:

§ 11.251 *Eligibility*. (a) The following persons are eligible to hold authorizations to operate radio stations in the Power Radio Service:

(1) Persons primarily engaged in the generation, transmission or distribution of electrical energy, for use by the general public or by the members of a cooperative organization.

(2) Persons primarily engaged in the distribution of artificial or natural gas by means of pipe line, for use by the general public or by the members of a cooperative organization, or in a combination of that activity with the production, transmission or storage of artificial or natural gas preparatory to such distribution.

(3) Persons primarily engaged in the distribution of water or steam by means of pipe line or, in the case of water, by means of canal or open ditch, for use by the general public or by the members of a cooperative organization, or in a combination of that activity with the collection, transmission, storage, or purification of water or the generation of steam preparatory to such distribution.

(4) A non-profit corporation or association, organized for the purpose of furnishing a radio communication service to persons who are actually engaged in



one or more of the activities set forth in the preceding subparagraphs. Such a corporation or association shall render service only on a non-profit cost-sharing basis, said costs to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect the cost-sharing non-profit

nature of the arrangement shall be maintained and held available for inspection by Commission representatives.

(b) Each application for authority to operate in the Power Radio Service shall be accompanied by a statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of

this section. In addition, each person licensed under the provisions of paragraph (a) (4) of this section shall obtain prior approval from the Commission for each person who proposes to participate in the licensee's service.

[F. R. Doc. 54-9519; Filed, Dec. 1, 1954; 8:47 a. m.]

## PROPOSED RULE MAKING

### FEDERAL COMMUNICATIONS COMMISSION

#### [ 47 CFR Part 3 ]

[Docket No. 11224; FCC 54-1439]

#### TELEVISION BROADCAST STATIONS

##### TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 Table of assignments, rules governing Television Broadcast Stations; Docket No. 11224.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on October 13, 1954, by Mr. Clair L. Taylor, Superintendent of Public Instruction, Lansing, Michigan, and now made a part of this docket, requesting an amendment of § 3.606 Table of assignments, rules governing Television Broadcast Stations, so as to add and reserve for non-commercial educational use the following channels in Michigan:

City:	Channel No.
Alpena -----	*11
Escanaba -----	*40
Houghton -----	*25
Kalamazoo -----	*74
Marquette -----	*35

\*Petitioner requested Channel 21 for Houghton. However, this assignment cannot be made in conformance with the separation requirements of the rules. It appears that the assignment of Channel 25 is technically feasible.

3. In support of the requested amendment, petitioner urges that Michigan is a large state, with approximate dimensions of 200 by 500 miles; that in order to cover this large area and bring educational television programs to all the citizens of Michigan, additional assignments for educational use are necessary; that the assignments are proposed for important educational, industrial, and agricultural areas; and that the proposed assignments would conform to the Commission's rules and standards.

4. The Commission is of the view that rule-making proceedings should be instituted in this matter in order that all interested parties may submit their views to the Commission and the Commission may be apprised of such views prior to taking final action.

5. Authority for the adoption of the proposed amendment is contained in sections 4 (1), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted in the form set forth herein may file with the Commission on or before December 23, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 24, 1954.

Released: November 26, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 54-9521; Filed, Dec. 1, 1954; 8:47 a. m.]

#### [ 47 CFR Part 3 ]

[Docket No. 10952; FCC 54-1438]

#### TELEVISION BROADCAST STATIONS

##### POWER AND ANTENNA HEIGHT REQUIREMENTS; TERMINATION OF PROCEEDINGS

In the matter of amendment of § 3.614, rules governing Television Broadcast Stations; Docket No. 10952.

1. The Commission has under consideration its notice of proposed rule making issued on March 12, 1954 (FCC 54-327), and published in the FEDERAL REGISTER on March 17, 1954 (19 F. R. 1471), proposing to amend the rule governing minimum powers and heights to require the use of a transmitter with a minimum rated power of 5 kw for channels 14-83.

2. No comments supporting the proposed amendments have been filed.

Comments in opposition to the adoption of the proposed rules were filed by: National Association of Radio and Television Broadcasters; Valley Empire Telecasters, El Centro, California, permittee of a UHF station in El Centro, California; Radio Corporation of America; Allen B. DuMont Laboratories, Inc.; Joint Committee on Educational Television; Radio Columbia, permittee of Station WCOS-TV, Columbia, South Carolina; Chambersburg Broadcasting Company, permittee of Station WCHA-TV, Chambersburg, Tennessee; Piedmont Broadcasting Corporation, permittee of Station WBJM-TV, Danville, Virginia; Connecticut Radio Foundation, Inc., permittee of a UHF station in New Haven, Connecticut; WKNY-TV Corporation, permittee of a UHF station in Kingston, New York; Sir Walter Television Company, permittee of Station WNAO-TV, Raleigh, North Carolina; and A. Earl Cullum, Jr.

3. In opposition to the proposal, it is argued that requiring all UHF stations to employ transmitters with a rated power of at least 5 kw is unrealistic. It is contended that the requirement would not accomplish the end for which it has been proposed since it is technically and economically unsound. It is submitted that there is no uniformity in the amount of power required by an individual UHF television station to enable it to provide the best possible technical service to the area which it serves. It is noted, further, that power requirements vary with such factors as antenna heights, terrain, the size or nature of the area to be served, economic and competitive conditions, and sensitivity of receiving equipment and antennas. It is urged that there are many areas where the operation of a UHF station with a 1 kw transmitter can provide excellent service, and that the use of a 5 kw transmitter in such areas would result in no appreciable improvement in the service rendered by the station. It is further contended that the subject proposal would serve only to increase the cost of construction and operation of UHF stations and might result in discouraging the construction of television stations in small communities, thereby depriving such communities of service which might otherwise be rendered.

4. In view of the foregoing, the Commission has concluded that it would not serve the public interest to adopt our outstanding proposal and our notice of proposed rule making is being withdrawn.



5. It is ordered, That the proceeding in this docket is hereby terminated.

Adopted: November 24, 1954.

Released: November 26, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 54-9520; Filed, Dec. 1, 1954;  
8:47 a. m.]

## [ 47 CFR Parts 7, 8 ]

[Docket No. 11223; FCC 54-1428]

### STATIONS ON LAND AND SHIPBOARD IN THE MARITIME SERVICES

#### AUTHORIZED CLASSES OF EMISSION

In the matter of amendment of Parts 7 and 8 of the Commission's rules and regulations regarding authorized emission; Docket No. 11223.

1. Notice is hereby given of proposed rule making in the above-entitled matter. The amendments proposed to be adopted are set forth below.

2. The proposed amendments deal with authorized emission for use by coast telegraph stations operating on frequencies in the band 405 to 490 kc, and for use by ship telegraph and coast telegraph stations operating on frequencies between 2200 and 17000 kc.

(a) 405-490 kc: Because of the narrowing of spectrum space available in the medium frequency band to coast telegraph stations under the Atlantic City regulations, the spacing between adjacent frequencies assigned to such stations has been reduced. Improved accommodation of this reduction can be achieved either by substantially reducing the authorized emission-bandwidth for modulated emission or by limiting the purposes for which modulated emission may be used. To require reduction in bandwidth at this time might, however, require considerable modification or replacement of existing equipment. It is contemplated, therefore, that an equivalent result may be achieved by prohibiting the use of modulated emission in the band 405 to 490 kc except for brief testing or when transmitting distress, urgent and safety signals or any communications preceded by one of these signals.

(b) 2200-17000 kc: Parts 7 and 8 of the Commission's rules already indicate that coast and ship telegraph stations (except on survival craft) will be prohibited from using A2, A2a and A2b classes of emission on these frequencies. However, the rules are not express as to when this prohibition has become or will be applicable. In view of the provisions of the Atlantic City Radio Regulations and the Geneva (1951) Agreement, and the progress of implementation of the Atlantic City Table of Frequency Allocations concerning frequencies between 2200 and 17000 kc, it appears to be appropriate to clarify the rules in this respect by fixing a definite date of January 15, 1955, after which the prohibition will be applied uniformly to all radiotelegraph stations (except on survival craft) in the

maritime mobile service operating on such frequencies.

3. The proposed amendments are issued under the authority contained in sections 4 (i), 303 (e), (f) and (r) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before December 31, 1954, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last day for filing original comments. Interested persons supporting the proposed amendment may file statements or briefs in a similar manner. The Commission will consider all comments and briefs presented to it before taking final action in this matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs or comments should be furnished the Commission.

Adopted: November 24, 1954.

Released: November 26, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

1. Subparagraph (1) of § 7.132 (a) is amended to read as follows:

(1) Coast stations using telegraphy:

14 to 160 kc.....	A1, and for brief testing A0.
160 to 490 kc.....	A1, and for brief testing A0; A2 <sup>1</sup> , A2a <sup>2</sup> , A2b <sup>2</sup> , for brief testing and distress, urgent and safety signals or any communication preceded by one of these signals.
490 to 515 kc.....	A1, A2 <sup>1</sup> , A2a <sup>2</sup> , A2b <sup>2</sup> , and for brief testing A0.
2035 to 2500 kc.....	A1, and for brief testing A0.

2. Footnote 2 in § 7.132 (a) is amended to read as follows:

<sup>1</sup>Permissible by keying the modulated emission. Keying the modulating audio frequency only, without interruption of the carrier wave, is not permissible. The use of any audio frequency pulse device such as a so-called "chopper" is prohibited.

3. Subparagraph (1) of § 8.132 (a) is amended to read as follows:

(1) Ship stations using telegraphy:

100 to 160 kc.....	A1 and for brief testing A0.
160 to 515 kc.....	A1, A2 <sup>1</sup> , A2a <sup>2</sup> , A2b <sup>2</sup> , and for brief testing A0.
2065 to 25000 kc..	A1, and for brief testing A0; except for stations on board survival craft which may use in addition, class A2 emission. <sup>3</sup>

4. Footnote 2 in § 8.132 (a) is amended to read as follows:

<sup>3</sup>Permissible by keying the modulated emission. Keying the modulating audio frequency only, without interruption of the carrier wave is not permissible. The use of any audio frequency pulse device such as a

so-called "chopper" is prohibited except for stations of survival craft.

F. R. Doc. 54-9522; Filed, Dec. 1, 1954;  
8:47 a. m.]

## [ 47 CFR Part 9 ]

[Docket No. 11222; FCC 54-1426]

### AVIATION SERVICES

#### FREQUENCIES AVAILABLE

In the matter of amendment of § 9.912 (c) of the Commission's rules governing Aviation Services; Docket No. 11222.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend § 9.912 (c) of Part 9 of the Commission's rules governing Aviation Services as shown below in order to permit the United States to put into effect the Atlantic City (1947) Table of Frequency Allocations in accordance with the provisions of the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva 1951) by replacing the frequency 4325 kc with the frequency 4467.5 kc. Under the EARC Agreement the frequency 4325 kc is in a band allocated to the Maritime Mobile Service for Coastal Telegraph Operations and is no longer available for assignment to Civil Air Patrol Stations.

3. The proposed amendment is issued under the authority of sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before December 24, 1954, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing the said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 24, 1954.

Released: November 26, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

It is proposed to amend § 9.912 (c) of Part 9, rules governing Aviation Services, effective February 1, 1955, to read as follows:



## § 9.912 Frequencies available. \* \* \*

(c) 4467.5 kc A-1, A-2, A-3 emission, 400 watts maximum power, limited to stations in the southeast area of the United States, comprised of the District of Columbia and the following States:

Florida, Mississippi, Alabama, Georgia, South Carolina, North Carolina, Tennessee, Kentucky, Virginia, West Virginia, Maryland, and Delaware.

[F. R. Doc. 54-9523; Filed, Dec. 1, 1954; 8:47 a. m.]

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## [ 26 CFR (1954) Part 195 ]

## PRODUCTION OF VINEGAR BY THE VAPORIZING PROCESS

## NOTICE OF PROPOSED RULE-MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington 25, D. C., within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] T. COLEMAN ANDREWS,  
Commissioner of Internal Revenue.

## PART 195—PRODUCTION OF VINEGAR BY THE VAPORIZING PROCESS

**Preamble.** 1. The regulations in this part shall, as to facts and circumstances arising on and after January 1, 1955, supersede Regulations 19, 1953 edition (26 CFR (1939) Part 195; 18 F. R. 8478).

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

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195.195	Registry on Form 26.
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- 195.235 Entry of vinegar factory or premises used in connection therewith.  
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- 195.245 Investigation by assistant regional commissioners.  
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195.248 Determining low wines produced.  
195.249 Notice to proprietor.  
195.250 Nature of evidence.  
195.251 Consideration of response.  
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## Subpart T—Rules for Computing Capacity of Stills

- 195.260 Pot or kettle stills.  
195.261 Charge chamber stills.  
195.262 Continuous stills.

AUTHORITY: §§ 195.1 to 195.262 issued under 68A Stat. 917; 26 U. S. C. 7805. Statutory provisions interpreted or applied are cited to the text in parentheses.

## SUBPART A—SCOPE OF REGULATIONS

§ 195.1 *Production of vinegar by the vaporizing process.* The regulations in this part relate to the production of vinegar by the vaporizing process. The regulations cover requirements governing the location, construction, equipment, qualifying documents, and changes in premises, equipment and proprietorship; action by assistant regional commissioner; plant operations; and records and reports of operations at vinegar plants.

§ 195.2 *Instruments and papers.* The terms, conditions, and instructions contained in instruments and papers required to be furnished by law or regulations are hereby made a part as fully and to the same extent as if incorporated in this part.

§ 195.3 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including applications, notices, reports, returns, and records. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

## SUBPART B—DEFINITIONS

§ 195.10 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 195.11 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the assistant regional commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, the regional commissioner of internal revenue.

§ 195.12 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division", shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 195.13 *Distilled spirits.* "Distilled spirits" shall mean that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, and includes low wines produced by the vaporizing process in the manufacture of vinegar.

§ 195.14 *Distilling materials.* "Distilling materials" shall mean the fermented mash of grain, molasses, or other materials produced for distillation.

§ 195.15 *District director.* "District director" shall mean the district director of internal revenue.

§ 195.16 *Gallon.* "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

§ 195.17 *Grain gallon.* "Grain gallon" shall mean a gallon of vinegar of 100 grain strength.

§ 195.18 *Grain strength.* "Grain strength" is a measure of the acetic acid content of vinegar, expressed as 10 times the grams of acetic acid per 100 ml.

§ 195.19 *Including.* The term "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 195.20 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine, a trust, estate, association, partnership, company or corporation.

§ 195.21 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 195.22 *Person, proprietor, vinegar maker.* "Person," "proprietor," or "vinegar maker," shall include natural persons, trusts, estates, associations, partnerships, companies and corporations.

§ 195.23 *Proof.* "Proof" shall mean the ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

§ 195.24 *Proof gallon.* "Proof gallon" shall mean the alcoholic equivalent of a United States gallon at 60 degrees Fahrenheit, containing 50 percent of ethyl alcohol by volume.

§ 195.25 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 195.26 *Vinegar factory.* "Vinegar factory" shall mean a vinegar factory using the vaporizing process in the manufacture of vinegar, established or operated under this part, and as described in the notice, Form 27-F.

## SUBPART C—LOCATION AND USE

§ 195.35 *Restrictions.* Vinegar factories producing vinegar by the vaporizing process may not be located on board of any vessel or boat, or on any premises where beer or wines are manufactured or produced, or sugars or sirups are refined, or where any liquors of any description are stored or retailed, or where any other business is carried on: *Provided*, That the assistant regional commissioner may, upon application to him in each case, authorize the proprietor to use the equipment of his vinegar factory for the production of vinegar from cider, or from sour wine or vinegar stock removed from bonded wine cellars under the provisions of Part 240 of this title, or by the use of specially denatured alcohol, where such alternate production of vinegar is kept separate from the production of vinegar by the vaporizing process and such production will not unduly increase administrative supervision. If the vinegar factory is in the same building in which is located a taxpaid bottling house, there must be no means of communication within the building between the vinegar factory and such premises, other than through established common passageways.

(68A Stat. 627, 640; 26 U. S. C. 5171, 5216)

§ 195.36 *Use of premises.* Except as may be permitted pursuant to § 195.35, the premises of a vinegar factory using the vaporizing process shall be used exclusively for the manufacture of vinegar by the use of an alcoholic vapor separated from a fermented mash on such premises. The production at vinegar factories of low wines exceeding 30 degrees in proof will not be permitted.

## SUBPART D—CONSTRUCTION

§ 195.40 *Buildings or rooms.* The vinegar factory must be so constructed and equipped as to be suitable for the production of vinegar by the use of the vaporizing process, and must be completely separated from contiguous buildings or rooms, which are not used in conjunction with the vinegar factory, by solid, unbroken, partitions or floors of substantial construction. Such partitions shall extend from the ground to the roof, or from the floor to the ceiling if a room is used: *Provided*, That necessary openings for the passage of approved water, steam, fuel, or similar lines may be permitted in the walls or partitions.

§ 195.41 *Means of ingress or egress.* Except as provided in § 195.40, the doors and other openings must lead into the yard connected with the vinegar factory or a public street: *Provided*, That where a room or floor is used, the door may open into an elevator shaft, or a common passageway partitioned off from other businesses, leading either directly or through another elevator shaft or similar passageway to the street or yard.



Where the door of the vinegar factory opens into a common passageway, as provided above, the partitions forming the common passageway shall be substantially constructed of solid materials or expanded metal or woven wire of not less than 9 gauge nor more than 2-inch mesh, and shall extend from the floor to the ceiling or roof, but doors may be permitted therein. Common passageways must be used exclusively as means of communication.

§ 195.42 *Doors, windows, and other openings.* The doors, windows, or other openings in the room or building comprising the distilling department must be so arranged and constructed that they may be securely fastened. No door, window, or other opening will be permitted in the walls or floors leading into another room or building which is not a part of the vinegar factory.

§ 195.43 *Distilling department.* A room or rooms must be provided in which will be located the stills and low wine tanks. Such room or rooms shall be known as the distilling department and shall be used exclusively for the production and storage of low wines. A sign must be posted over the door to the distilling department bearing the words "Distilling Department," and if more than one room is used, such rooms shall be given alphabetical designations, as "A," "B," "C," etc.

#### SUBPART E—SIGN

§ 195.50 *Posting of sign.* The proprietor shall place and keep conspicuously on the outside and at the front of the vinegar factory or over the front entrance thereto, where it can be plainly seen, a sign exhibiting, in plain and legible letters, not less than 3 inches in height and of a proper and proportionate width, the name of the proprietor and the words "Vinegar Factory No. —," followed by the registry number assigned by the assistant regional commissioner.

#### SUBPART F—EQUIPMENT

§ 195.55 *Fermenting material storage tanks.* Each fermenting material storage tank shall have plainly and legibly painted thereon, or on a sign attached thereto, the words "Fermenting Material Storage Tank," followed by its serial number and capacity in gallons.

(68A Stat. 680; 26 U. S. C. 5552)

§ 195.56 *Mash tubs and fermenters.* Mash tubs and fermenters shall be located in the distilling department or in a separate room or building and must be so placed as to be accessible to examination by internal revenue officers. Each such mash tub or fermenter must have painted thereon, or on a sign attached thereto, its designated use, as "Mash Tub" or "Fermenter," followed by its serial number and capacity in gallons.

(68A Stat. 680; 26 U. S. C. 5552)

§ 195.57 *Mash tub coils.* A closed coil cannot be maintained in a mash tub on the premises of a vinegar factory using the vaporizing process except un-

der the following conditions: If a coil is employed for the conveyance of water for the purpose of cooling the mash, the upper portion of the coil must be open, with flanges projecting upward, so as to prevent overflow making the upper ring of the coil, in effect, an open trough; or the coil within the tub may be closed on condition that the pipe is left open for a distance of several feet immediately after it leaves the tub and is properly protected by flanges so as to form, in effect, an open trough several feet in length.

(68A Stat. 680; 26 U. S. C. 5552)

§ 195.58 *Stills.* The stills must have a clear space of not less than 1 foot around them. Every still must be numbered, commencing with number 1, and shall have painted thereon, or on a sign attached thereto, the word "Still," followed by its serial number and spirit-producing capacity in proof gallons in 24 hours, computed in accordance with the rules set forth in subpart T. Where the still is insulated or the manufacturer's serial number is otherwise obscured, such number will likewise be painted on the covering of the still. No reflux line, worm, gooseneck, pipe, conductor, or contrivance of any description whatever whereby vapor might in any manner be conveyed away and converted into distilled spirits, shall be used or employed or be fastened to or connected with any vaporizing apparatus used for the manufacture of vinegar.

(68A Stat. 640, 680; 26 U. S. C. 5216, 5552)

§ 195.59 *Pipes for conveying vapor.* The alcoholic vapor which the vinegar maker is authorized to separate from the mash shall be conducted to the liquid receiving it by the shortest and most direct line practicable. The pipes used for this purpose must be constructed of metal, or other material affording necessary protection, and exposed to view throughout their entire lengths and must not be surrounded with water.

(68A Stat. 680; 26 U. S. C. 5552)

§ 195.60 *Presence of worm forbidden.* The law specifically provides that no worm shall be permitted on or near premises used for the manufacture of vinegar by the vaporizing process.

(68A Stat. 640; 26 U. S. C. 5216)

§ 195.61 *Spray tanks or condensers.* The spray tanks or condensers must be so constructed that the alcoholic vapor cannot be condensed by itself and so become distilled spirits. Spray tanks are to be so constructed that the vapors will be conveyed into the water or other liquid used in making vinegar for condensation. The alcoholic vapor must be mingled with the water or other liquid used in the manufacture of vinegar. The spray tank or condenser shall be so constructed that the water or other liquid used in the manufacture of vinegar is sprayed through the top of the tank to condense the alcoholic vapors, or a constant level of water or such liquid must be maintained in the tank or condenser at all times so that the end of the vapor pipe will be completely immersed therein. The vapors must not

be condensed before or without infusion into such water or other liquid.

(68A Stat. 640, 680; 26 U. S. C. 5216, 5552)

§ 195.62 *Closed condensers.* Closed or covered condensers may be used only where the alcoholic vapor is condensed simply by being introduced into the water or other liquid used in the production of vinegar without the use of artificial means for cooling the liquid. The condensers in such cases must be provided with a manhole which will permit ready examination of the whole interior of the condensing vessel.

(68A Stat. 640, 680; 26 U. S. C. 5216, 5552)

§ 195.63 *Artificial means of condensing vapors.* Where artificial means are employed for condensing alcoholic vapor at vinegar factories, the condensing vessels shall be open and uncovered and the condensing apparatus shall be simple in construction.

(68A Stat. 640, 680; 26 U. S. C. 5216, 5552)

§ 195.64 *Contrivance for cooling liquid.* No contrivance may be used for cooling the liquid which receives the vapors to such a degree that a small or limited quantity of water or liquid would be enabled to receive and condense an unlimited quantity of alcohol.

(68A Stat. 640, 680; 26 U. S. C. 5216, 5552)

§ 195.65 *Low wine receiving tanks.* The proprietor must provide one or more low wine receiving tanks which shall be equipped with a suitable measuring device whereby the actual contents will be correctly indicated. The tanks must be so constructed as to permit examination of every part thereof, and so arranged as to leave an open space of not less than 3 feet between the top and the roof or floor above. All openings in tanks and other distilling apparatus and equipment, which are not absolutely necessary, and which can be permanently closed without interference with operations, shall be closed by brazing, welding, or otherwise securely fastening and sealing. Each such tank shall have painted thereon, or on a sign attached thereto, the words "Low Wine Receiving Tank," followed by its serial number and capacity in gallons. The pipelines connecting the tanks with stills or other apparatus must be constructed in accordance with § 195.67. The receiving tanks must be located in the distilling department.

(68A Stat. 680; 26 U. S. C. 5552)

§ 195.66 *Low wine storage tanks.* If it is desired to store low wines prior to the use thereof in the manufacture of vinegar, storage tanks for such purpose must be provided in the distilling department. Each such tank shall be constructed and equipped as provided in § 195.65 for receiving tanks, and shall have painted thereon, or on a sign attached thereto, the words "Low Wine Storage Tank," followed by its serial number and capacity in gallons.

(68A Stat. 680; 26 U. S. C. 5552)

§ 195.67 *Pipelines.* The distilling system must be closed (except as otherwise provided in this part), commencing with the first still where entry into the



system would constitute a jeopardy to the revenue, and continuing with securely closed pipes to the low wine receiving tanks in which the product is deposited. All such pipelines must be of a fixed and permanent character, constructed of metal, or other material affording necessary protection, and so arranged as to be exposed to view throughout their entire lengths. All valves, unions, flanges, and other detachable connections in the pipelines of the distilling system between the point where the closed system begins and the receiving tanks, and from the receiving tanks to storage tanks (if provided), must be so secured by brazing, welding, fastening, and sealing as to effectually prevent disconnection and access to the low wines.

(68A Stat. 680; 26 U. S. C. 5552)

**§ 195.68 Colors for pipelines.** The pipelines connected with the stills and low wine tanks used for conveying the following substances shall be kept painted in the colors indicated:

Black.....	Low wines.
Blue.....	Vapor.
Red.....	Mash, beer, or other distilling material.
Brown.....	Spent beer or slop.
White.....	Water.
Aluminum.....	Steam.

These colors are intended for such pipelines only, and are prescribed for the purpose of distinguishing such pipelines from each other and from all other pipelines on the premises which are painted but for which colors are not prescribed. The painting of one of the pipelines indicated above in a color other than prescribed for it, or the painting in one of the prescribed colors, or a color similar thereto, of a pipeline for which a color is not prescribed is prohibited. Pipelines for which colors are not prescribed may be painted in other colors or in sections of not more than 3 feet in contrasting colors.

(68A Stat. 680; 26 U. S. C. 5552)

**§ 195.69 Vinegar factories heretofore established.** Vinegar factories heretofore established may continue to operate if the equipment and method used for condensing the alcoholic vapors from the stills conform to that prescribed in this part, and the other construction and equipment afford adequate security and protection to the revenue. The assistant regional commissioner may at any time require the proprietor to make changes in construction and equipment conforming to the provisions of this part, if deemed necessary to safeguard the revenue or to permit more economical and efficient supervision and control by internal revenue officers. All vinegar factories hereafter established, and changes in existing vinegar factories, must be in conformity with this part.

(68A Stat. 640, 680; 26 U. S. C. 5216, 5552)

#### SUBPART G—QUALIFYING DOCUMENTS

**§ 195.75 Notice, Form 27-F.** Every person desiring to establish a vinegar factory shall file notice on Form 27-F, in triplicate, with the assistant regional commissioner of the region in which the

premises are located, for approval of the premises. Except as provided in § 195.80, in the case of amended or supplemental notices, all the information required by this part, and by the instructions on the form or issued in respect thereto, shall be furnished. Notice on Form 27-F shall be verified by a written declaration that it is made under the penalties of perjury. Notices on Form 27-F must be numbered serially, commencing with 1 and continuing in numerical sequence for all notices thereafter filed, whether amended or supplemental.

(68A Stat. 749; 26 U. S. C. 6065)

**§ 195.76 Description of premises.** The notice, Form 27-F, shall contain a complete description of the building constituting the vinegar factory, including the height, width, and length, the materials of which constructed, and the number of stories.

**§ 195.77 Description of distilling department.** All rooms comprising the distilling department of the vinegar factory shall be described on Form 27-F. The description shall include the designated name of each room which shall be according to its use, such as, still room, fermenting room, etc., and the dimensions thereof. If more than one room is used for the same purpose, the same shall include an alphabetical designation to distinguish them, as "Still Room A," "Still Room B," etc.

**§ 195.78 Description of apparatus and equipment.** There must be described on Form 27-F in the space provided therefor the number of fermenting material storage tanks (if any), mash tubs, fermenters, stills, spray tanks, condensers, low wine receiving tanks, and low wine storage tanks which shall be listed separately as to serial number and capacity in gallons. All other regular and permanent equipment must be described on Form 27-F.

**§ 195.79 Capacity.** The kind of fermenting materials to be used, the maximum quantity of low wines, in proof gallons, that can be produced in 24 hours, and the proof at which the low wines will be produced, must be stated on Form 27-F.

**§ 195.80 Amended and supplemental notices.** Amended and supplemental notices on Form 27-F may be executed in skeleton form, except as to the items amended or supplemented. All other items which are correctly set forth in prior notices, and in which there has been no change since the last preceding notice, may be incorporated in the amended or supplemental notice by reference to the respective notice previously filed. Such incorporation by reference shall be made by entering for each such item in the space provided therefor the statement, "No change since filing Form 27-F, Serial No. \_\_\_\_\_" (the number being inserted), and the date of such form.

**§ 195.81 Corporate documents.** There must be submitted with, and made a part of, the original or initial notice on Form 27-F, given by a corporation to engage in the business of manufacturing vinegar

by the vaporizing process, properly certified copies, in triplicate, of the following documents:

(a) Extracts of the minutes of meetings of the board of directors authorizing certain officers or other persons to sign for the corporation.

(b) List of the names and addresses of the officers and directors.

**§ 195.82 Articles of partnership or association.** In the case of a partnership or association, a certified copy, in triplicate, of the articles of partnership or association, if any, and, where the business is to be conducted under a firm or trade name, a trade name certificate or statement in lieu thereof, in accordance with § 195.112, shall be submitted with and constitute a part of the notice, Form 27-F.

**§ 195.83 Power of attorney, Form 1534.** If the notice or other qualifying documents are signed by an attorney in fact for an individual, partnership, association, or corporation, or by one of the members for a partnership or association, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 195.81, such notice or other qualifying documents must be supported by a duly authenticated copy of the power of attorney conferring authority upon the person signing the document to execute the same. Such powers of attorney will be executed on Form 1534, in triplicate, and submitted to the assistant regional commissioner.

**§ 195.84 Execution of power of attorney.** Where the principal giving the power of attorney is an individual, it must be executed by him in person, and not by an agent. In the case of a partnership or association, powers of attorney authorizing one or more of the members, or another person, to execute documents on behalf of the partnership or association must be executed by all of the members constituting the partnership or association. However, if one or more members less than the whole number constituting the partnership or association have been delegated the authority to appoint agents or attorneys in fact, the power of attorney may be executed by such member or members, provided it is supported by a duly authenticated copy, in triplicate, of the document conferring authority upon the member or members to execute the same. Where, in the case of a corporation, powers of attorney are executed by an officer thereof, such documents must be supported by triplicate copies of the authorization of such officer so to do, certified by the secretary or assistant secretary of the corporation, under the corporate seal, if any, to be true copies.

**§ 195.85 Duration of power of attorney.** Powers of attorney authorizing the execution of documents on behalf of a person engaged in, or intending to engage in, the business of a vinegar maker shall continue in effect until written notice, in triplicate, of the revocation of such authority is received by the assistant regional commissioner, unless terminated by operation of law.



§ 195.86 *Registry of stills, Form 26.* Any still or distilling apparatus set up and intended to be used for the distillation of distilled spirits in the manufacture of vinegar by the vaporizing process must be registered with the assistant regional commissioner for the region in which the still is located, on Form 26, immediately it is set up, in accordance with the instructions on the form. Such registration shall be verified by a written declaration that it is made under the penalties of perjury.

(68A Stat. 628, 749; 26 U. S. C. 5174, 6065)

§ 195.87 *Plat and plans.* Every person intending to engage in the business of manufacturing vinegar by the use of the vaporizing process must submit to the assistant regional commissioner with his notice, Form 27-F, an accurate plat of the vinegar factory premises and accurate plans of the distilling apparatus and equipment, in triplicate, conforming to the requirements of subpart H.

§ 195.88 *Additional information.* The assistant regional commissioner may at any time, in his discretion, require the proprietor to furnish such additional information as he may deem necessary.

#### SUBPART H—PLATS AND PLANS

§ 195.95 *Plat and plans required.* Every person intending to engage in the business of manufacturing vinegar by the use of the vaporizing process must, as provided in § 195.87, file an accurate plat of the vinegar factory premises, and accurate plans of the distilling apparatus and equipment, in triplicate, with the assistant regional commissioner.

§ 195.96 *Preparation.* Each sheet of the plat and plan shall bear a distinctive title, and the complete name and address of the proprietor, enabling ready identification. Each sheet of the original plat and plans shall be numbered, the first being designated number 1 and the other sheets numbered in consecutive order. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "Ditto Process" or by blue or brown line lithoprint, if such reproductions are clear and distinct.

§ 195.97 *Depiction of premises.* Plats must show the outer boundaries of the vinegar factory premises, in feet and inches, in a color contrasting with those used for other drawings on the plat, and must contain an accurate depiction of the building or buildings comprising the premises. The depiction of the premises should agree with the description in the notice, Form 27-F. If two or more buildings are to be used, they must be shown in their relative positions and the designated name or use of each indicated. Where two or more buildings are used for the same purpose, the name of each such building shall include an alphabetical designation, beginning with "A". All first floor openings of each building on the premises will be shown on the plat. If the vinegar factory con-

sists of a room or a floor of a building, an outline of the building, the precise location and dimensions of the room or floor, and the means of ingress from and egress to a public street or yard shall be shown.

§ 195.98 *Contiguous premises.* The plat must show the relative location of any distillery, internal revenue bonded warehouse, industrial alcohol plant, industrial alcohol bonded warehouse or denaturing plant, rectifying plant, or taxpaid bottling house, or other premises on which beer or wines are manufactured or produced, stored, used, or sold, contiguous to the vinegar factory premises, and all pipelines and other connections, if any, between them, and the distance they are from each other. The outlines of such contiguous premises and the vinegar factory premises must be shown in contrasting colors.

§ 195.99 *Floor plan of distilling department.* A floor plan of the distilling department shall be submitted, showing the location of all apparatus and equipment and pipelines therein. The serial number and capacity of each still and tank shall be indicated on the plan.

§ 195.100 *Elevational plans of distilling equipment.* Vertical, sectional, or elevational plans of the distilling apparatus and equipment shall be submitted, and such plans shall clearly depict the construction of all equipment and all pipelines and other connections of the distilling equipment and the location of valves, flanges (except as provided in § 195.102), measuring devices, etc. The plans must be so drawn that all such pipelines may be traced from beginning to end.

§ 195.101 *Pipelines and colors.* The fixed pipelines connected with the stills and low wine tanks must be shown on the plans in the colors in which they are required to be painted, as specified in § 195.68.

§ 195.102 *Location of valves, flanges, etc.* All valves, flanges, and other connections and pipe lines in the distilling equipment must be properly indicated on the plans: *Provided*, That where flanges, unions, or other connections in pipe lines are brazed, welded, or otherwise permanently secured in such a manner as to constitute a continuous single pipeline, the location of such flanges, unions, or other connections, and the manner of securing the same, need not be shown on the plans.

§ 195.103 *Direction of flow.* The direction of the flow of the distilling material, vapor, low wines, etc., through pipelines connected with the stills and low wine tanks must be indicated on the plans by arrows.

§ 195.104 *Certificate of accuracy.* Every sheet of every plat and plan, whether original, supplemental, or superseding, shall bear a certificate of accuracy dated and signed by the draftsman, proprietor, and assistant regional commissioner. The certificate shall be placed in the lower right hand corner of

each sheet and shall be in the following form:

----- region, -----, 19-----  
It is hereby certified that this is an accurate ----- sheet No. -----  
(Original, supplemental, or superseding)  
----- of the ----- of Vinegar  
(Plat or plan)  
Factory No. -----, of -----  
(Name of proprietor)  
(Street and number) (City and State)  
in this region.  
(Draftsman)  
(Proprietor)  
(Assistant Regional Commissioner)  
Date of Assistant Regional Commissioner's approval.  
-----, 19-----  
(Date)

§ 195.105 *Supplemental, superseding, and additional plats and plans.* The sheets of superseding plats or plans shall bear the same numbers as the sheets superseded. The sheets of supplemental plats or plans shall bear the same numbers as the sheets supplemented, and will be further identified by letter designations, as "1-A," "5-B," etc. Additional sheets of plans, filed to cover extensions of the vinegar factory premises, will be given the next number in sequence to the last sheet of the plan on file. Additional sheets of plats, filed to cover extensions of the vinegar factory premises, will be given the same number as the last sheet of the plat on file, further identified by an additional number, as 1-1, 2-1, etc.

#### SUBPART I—REQUIREMENTS GOVERNING CHANGES IN NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES AND EQUIPMENT

§ 195.110 *General requirement.* Notice in writing must be given, in the form prescribed in this subpart, to the assistant regional commissioner in case of any change in the location, form, capacity, ownership, agency, superintendency, or in the persons interested in the business of the vinegar factory.

##### CHANGE IN INDIVIDUAL, FIRM, OR CORPORATE NAME

§ 195.111 *Amended notice, Form 27-F.* Where there is a change in the individual, firm, or corporate name, the proprietor must submit to the assistant regional commissioner an amended notice on Form 27-F, in triplicate, covering the new name, which notice must be approved before operations may be commenced under the new name.

§ 195.112 *Trade name certificate; amended articles of incorporation.* The proprietor shall file with the assistant regional commissioner certified copies of trade names and amended articles of incorporation which are required by State laws. If no such documents are required the proprietor will furnish a statement to that effect.

§ 195.113 *Sign.* Where there is a change in the individual, firm, or corporate name, the proprietor must change



the vinegar factory sign to conform to the provisions of § 195.50.

§ 195.114 *Records.* Where there is a change in the individual, firm, or corporate name, the proprietor must keep records and submit reports covering operations under the new name as provided in subpart L.

#### CHANGE IN PROPRIETORSHIP, SUSPENSION

§ 195.115 *General.* Where there is to be a change in the proprietorship of the vinegar factory, the outgoing proprietor must, preparatory to transfer of the business to the successor, comply with the requirements of §§ 195.116 through 195.119.

§ 195.116 *Notice, Form 27-F.* If the outgoing proprietor is to discontinue permanently the business of manufacturing vinegar by the vaporizing process, he must file with the assistant regional commissioner Form 27-F, in triplicate, stating thereon the purpose to be "Discontinuance of business," and giving the date of the discontinuance.

§ 195.117 *Registry of stills.* Where there is to be a change in proprietorship, the outgoing proprietor must register the stills on Form 26, in triplicate, in accordance with § 195.195.

§ 195.118 *Notice of suspension.* Where there is to be a change in proprietorship, the outgoing proprietor must file with the assistant regional commissioner a written notice, in triplicate, in accordance with subpart M of this part.

§ 195.119 *Records.* Where there is to be a change in proprietorship, the outgoing proprietor must make appropriate entries in the vinegar factory records and submit reports in accordance with the provisions of subpart O of this part.

#### CHANGE IN PROPRIETORSHIP, QUALIFICATION OF SUCCESSOR

§ 195.120 *General.* Where there is a change in proprietorship, and the successor intends to continue the operation of the premises as a vinegar factory, he must comply with the requirements of §§ 195.121 through 195.125.

§ 195.121 *Nonfiduciary successor.* If the change in proprietorship is brought about by any means, except by the appointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the successor must qualify in the same manner as the proprietor of a new vinegar factory, except that he may adopt the plat and plans of his predecessor as provided in § 195.123.

§ 195.122 *Fiduciary.* If the successor is an administrator, executor, receiver, trustee, assignee, or other fiduciary, and intends to produce low wines, or to possess or dispose of low wines on hand in the vinegar factory, he must comply with the provisions of subpart G to the extent that such provisions are applicable, except that in lieu of filing a new plat and plans, the fiduciary may adopt the plat and plans of such predecessor in accordance with § 195.123. The fiduciary must also furnish certified copies, in triplicate,

of the order of the court or other pertinent documents showing his qualification as such fiduciary. The effective date of the qualifying documents filed by a fiduciary must be the same as the date of the court order, or the date specified therein, for him to assume control.

§ 195.123 *Adoption of plat and plans.* The plat and plans of the vinegar factory may be adopted by a successor where they correctly describe and depict the premises and the buildings, apparatus, and equipment thereon, to be taken over by the successor. The adoption by a successor of the plat and plans of his predecessor shall be in the form of a certificate, in triplicate, in which shall be set forth the name of the predecessor, the address and number of the vinegar factory, a description of the vinegar factory premises, the number of each sheet comprising each plat and plan covered by such certificate, and a statement that the vinegar factory premises, and the buildings, apparatus, and equipment thereon, are correctly described and depicted on such plat and plans.

§ 195.124 *Sign.* The successor, if other than a fiduciary temporarily operating the vinegar factory, must change the vinegar factory sign to conform to the requirements of § 195.50.

§ 195.125 *Materials and low wines.* If distilling materials and low wines are received by transfer from the predecessor, the successor must comply with the requirements of subpart O of this part.

#### OTHER CHANGES IN PROPRIETORSHIP OR CONTROL

§ 195.126 *Changes in partnership.* The withdrawal of one or more members of a partnership or the taking in of a new partner, whether active or silent, shall constitute a change in proprietorship. Likewise, except as provided in § 195.127, the death, bankruptcy or adjudicated insolvency of one or more of the partners results in a dissolution of the partnership and, consequently, a change in proprietorship. Where such a change in proprietorship of the vinegar factory occurs, the successor must qualify in the same manner as a new proprietor of a vinegar factory, except that the successor may adopt the plat and plans of the predecessor as provided in § 195.123.

§ 195.127 *Exception occasioned by State laws.* Where, under the laws of the particular State, the partnership is not terminated on the death or insolvency of a partner, but continues until the liquidation of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, such surviving partner may continue to operate the vinegar factory for such purpose under the prior qualification of the partnership: *Provided*, That notice of such action is filed with the assistant regional commissioner. If such surviving partner acquires the business upon completion of the settlement of the partnership, he must qualify in his own name from the date of acquisition. The

same rule shall apply where there is more than one surviving partner.

§ 195.128 *Changes in stockholders, officers, and directors of corporation.* The sale or transfer of the capital stock of a corporation operating a vinegar factory does not constitute a change in the proprietorship of the vinegar factory. However, where the sale or transfer of capital stock results in a change in the control or management of the business, or where there is a change in the officers or directors, the proprietor must give notice thereof, in triplicate, to the assistant regional commissioner. Mere changes in stockholders of corporations not constituting a change in control need not be so reported.

§ 195.129 *Reincorporation.* Where a corporation operating a vinegar factory is reorganized and a new charter or certificate of incorporation is secured, the new corporation must qualify in the same manner as a new proprietor of the vinegar factory, except that the new corporation may adopt the plat and plans of the predecessor as provided in § 195.123.

#### CHANGES IN LOCATION, PREMISES, AND EQUIPMENT

§ 195.130 *Change in location.* Where there is a change in the location of the vinegar factory, the proprietor must comply with all applicable provisions of subparts C-H.

§ 195.131 *Changes in premises.* Where the vinegar factory premises are to be extended or curtailed, the proprietor must file with the assistant regional commissioner an amended notice, Form 27-F, and an amended plat of the premises as extended or curtailed. If the plans are affected by the extension or curtailment, they must also be amended.

§ 195.132 *Changes in equipment.* Where changes are to be made in the apparatus and equipment of the distilling department, the proprietor shall first secure approval thereof by the assistant regional commissioner pursuant to application, in triplicate, setting forth specifically the proposed changes: *Provided*, That emergency repairs may be made without prior approval of the assistant regional commissioner. Where such emergency repairs are made, the proprietor shall file immediately a report thereof, in triplicate, with the assistant regional commissioner. Upon completion of changes in equipment, the proprietor must file an amended notice and amended plans, except that in the case of minor changes, such as general repairs, changes in pipe lines, or the addition or removal of a tank, an amended notice and amended plans need not be filed immediately: *Provided further*, That the assistant regional commissioner may, at any time, in his discretion, require the filing of an amended notice and amended plans covering such minor changes. Where an amended notice and amended plans are not filed immediately upon completion of minor changes in equipment, the proprietor must include such changes in the next amended notice and plans filed by him.



## SUBPART J—ACTION BY ASSISTANT REGIONAL COMMISSIONER

## ORIGINAL ESTABLISHMENT

§ 195.140 *Authority to approve.* Assistant regional commissioners are authorized to approve all notices and other qualifying documents required by this part.

§ 195.141 *Registry numbers.* Vinegar factories will be assigned registry numbers in the order of their establishment. A separate series of numbers, commencing with 1, will be used for each State. Registry numbers heretofore assigned will be retained and new vinegar factories will be assigned new numbers in sequence. Registry numbers previously assigned to discontinued vinegar factories will not be assigned to other vinegar factories. In the case of a successor taking over the vinegar factory, or where there is a change in location of the vinegar factory within the same State, the same registry number may be retained.

§ 195.142 *Approval of qualifying documents.* If the assistant regional commissioner finds, upon examination of the inspection report and the qualifying documents, that the person seeking to qualify as proprietor of the vinegar factory has complied in all respects with the requirements of the law and this part, he will assign a registry number to the vinegar factory, in accordance with § 195.141, note his approval on all copies of the notice, plat and plans, and will forward one copy of the notice, plat, plans, and other qualifying documents to the proprietor.

§ 195.143 *Disapproval of qualifying documents.* If the assistant regional commissioner finds that the applicant has not complied in all respects with the requirements of the law and this part, or that the situation of the vinegar factory is such as would enable the proprietor to defraud the United States, he will note his disapproval of the notice, Form 27-F, and return to the applicant one copy of the notice and all copies of other qualifying documents, with advice as to the reasons for disapproval.

## CHANGES SUBSEQUENT TO ORIGINAL ESTABLISHMENT

§ 195.144 *Procedure applicable.* The provisions of this part respecting the action required of assistant regional commissioners in connection with the original establishment of vinegar factories will be followed, to the extent applicable, where there is a change in the individual, firm, or corporate name of the proprietor, or where there is a change in the proprietorship, location, premises, construction, apparatus and equipment, of the vinegar factory, or where operations are permanently discontinued.

§ 195.145 *Applications and reports covering changes.* Where an application covering changes in the distilling apparatus or equipment, or in the construction or use of a room or building is authorized by the assistant regional commissioner, he will, after completion of the change, retain one copy of the application and forward one copy to the proprietor and one copy to the Director,

Alcohol and Tobacco Tax Division. Similar disposition will be made of reports received from the proprietor covering emergency repairs of distilling apparatus and equipment.

## SUBPART K—PLANT OPERATION

## GENERAL

§ 195.150 *Compliance with requirements of law and this part.* Under no circumstances will a person conduct any operations in connection with the production of low wines to be used in the manufacture of vinegar until compliance with all the requirements of law and this part, and the required notice, Form 27-F, and supporting documents have been approved in accordance with the provisions of this part.

§ 195.151 *Inspection of premises and records.* All persons manufacturing vinegar by use of the vaporizing process shall permit any internal revenue officer to inspect at any reasonable hour the premises, equipment, stocks and records, as required by law and this part.

## COMMENCEMENT OF OPERATIONS

§ 195.152 *Fermenting and distilling materials.* Low wines may be produced at a vinegar factory using the vaporizing process under the provisions of this part from any kind of raw materials suitable for the production of low wines. Fermenting and distilling materials must be weighed or, in the case of liquids, weighed or measured, when brought upon the premises, and when used. The receipt and use of the materials will be recorded by the proprietor on Form 1623.

§ 195.153 *Removal of fermenting material from premises.* If fermenting material is stored on the premises, and it is desired to remove the same, or any portion thereof, from the premises for any purpose whatsoever, the proprietor will enter on Form 1623 the kind and quantity to be removed, and the reasons therefor.

## MASHING AND FERMENTING

§ 195.154 *Production of mash.* Proprietors at vinegar factories may, under the provisions of law, produce on such premises fermented mash or fermented liquors to be used for the manufacture of vinegar exclusively. The proprietor may mash molasses, grain, or other fermentable material, in any quantity, proportion, or strength that he may desire.

§ 195.155 *Quantity of mash and beer determined.* The proprietor will determine the number of gallons of mash in each fermenter at the time of filling, and the quantity of beer in each fermenter after fermentation is complete, and will enter the same on Form 1623.

## DISTILLATION

§ 195.156 *Production of low wines.* All processes of distillation shall be conducted in the distilling department of the vinegar factory. The alcoholic vapor separated from the mash produced must be condensed by introducing the vapor into the water or other liquid used in making vinegar. The vapor must not be condensed before or without infusion into such water or other liquid. Under

no circumstances will the low wines be used as a condensing medium.

(68A Stat. 640; 26 U. S. C. 5216)

§ 195.157 *Conversion of vapor into distilled spirits forbidden.* No worm, gooseneck, pipe, reflux line, conductor, or contrivance of any description whatever, whereby vapor might in any manner be conveyed away and converted into distilled spirits, shall be used or employed, or be fastened to, or connected with, any vaporizing apparatus used for the manufacture of vinegar. The alcoholic vapor shall not be conducted in any manner, or by any contrivance, into a receptacle where it could be condensed by itself or with a small or limited quantity of water and so become distilled spirits.

(68A Stat. 640; 26 U. S. C. 5216)

§ 195.158 *Test of condensing material.* The water or other liquid used as the recipient of the alcoholic vapor should be frequently tested to see that the proof of the liquid is not raised above 30 degrees.

§ 195.159 *Deposit of low wines in receiving tanks.* All low wines produced shall be promptly conveyed to the receiving tanks. The receiving tanks must be so arranged that each day's production may be ascertained, and the amount shall be recorded daily on Form 1623, as indicated by the headings of the columns and the instructions printed on the form. Where the production of more than one day is run into the same tank the operation must be so conducted that the production of a full day or more may be measured. The quantity noted as the production of a particular date must be the quantity actually produced on that date.

§ 195.160 *Gauge prior to removal.* The low wines may be transferred by pipeline from the receiving tanks to low wine storage tanks, or direct to the vinegar factory proper for use in the manufacture of vinegar: *Provided,* That the quantity thus removed or used is first accurately ascertained, and recorded on Form 1623.

## LOSSES

§ 195.161 *In receiving or storage tanks.* The quantity of low wines lost in receiving or storage tanks must be determined and reported monthly. The extent of the losses for each month shall be established by comparison of the quantity shown by inventory with the amount carried in the receiving or storage tank accounts as remaining therein at the end of the month. The actual quantity in the tanks must be ascertained.

§ 195.162 *Allowance for loss.* Where the loss of low wines during any calendar month does not exceed 1 percent of the aggregate quantity of low wines on hand the 1st of the month and produced during the month, application for the allowance of such loss will not be required to be filed by the proprietor, provided there are no circumstances indicating that the low wines lost, or any part thereof, were unlawfully used or were unlawfully removed. Where such loss exceeds 1 per-



cent, application under oath for remission of tax on the total losses during the month shall be filed by the proprietor with the assistant regional commissioner. Such allowance of 1 percent shall apply to the losses for each month, which must be determined separately.

§ 195.163 *Losses not cumulative.* The allowance of 1 percent during any one month on account of losses of low wines in receiving and storage tanks shall not be cumulative.

§ 195.164 *Time for filing application.* Application for allowance on account of losses must be made within 10 days after the end of the month during which the losses occurred for which allowance is requested. Each application for allowance of losses must set out all the material facts relating to the loss, and must state particularly the nature and cause thereof; i. e., whether by leakage, evaporation, theft, casualty, or other unavoidable cause, as well as the extent of the loss. The application must be accompanied by affidavits of persons having personal knowledge of the facts.

§ 195.165 *Tax must be paid on illegally diverted low wines.* The internal revenue tax must be paid on all low wines diverted to illegal uses on the premises of the vinegar factory and on all low wines removed therefrom contrary to law or this part.

#### REMOVAL AND TESTING OF VINEGAR

§ 195.166 *Removal.* No person shall remove, or cause to be removed, from any vinegar factory any vinegar or other fluid or material containing a greater proportion than 2 percent of proof spirits.

(68A Stat. 640; 26 U. S. C. 5216)

§ 195.167 *Test of vinegar.* The vinegar removed from vinegar factories should be tested from time to time to ascertain if it contains any greater proportion of proof spirits than is permitted by law.

#### SUBPART L—PROPRIETOR'S RECORDS AND REPORTS

§ 195.175 *General.* The proprietor of every vinegar factory shall keep monthly records and render reports on Form 1623 as provided in § 195.178. Entries shall be made as indicated by the headings of the various columns and lines of the form, and in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part. The entries shall be made before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, as authorized in this section, appropriate memoranda shall be maintained for the purpose of making the entries correctly. At the close of the month, but in no case later than the fifth day of the succeeding month, the proprietor shall prepare and forward an original of Form 1623 to the assistant regional commissioner.

§ 195.176 *Execution.* Form 1623 must be verified by a written declaration that it is made under the penalties of perjury.

Where the reports are signed by an agent, proper power of attorney authorizing the agent to execute the reports for the proprietor must be filed, in triplicate, with the assistant regional commissioner.

(68A Stat. 749; 26 U. S. C. 6065)

§ 195.177 *Permanent record.* One copy of Form 1623 will be retained by the proprietor as a permanent record, in bound form, and such bound record shall be kept on the premises available for inspection by internal revenue officers at all reasonable hours.

§ 195.178 *Monthly report, Form 1623.* The kind and quantity of materials received, and fermented or mashed, each day will be entered separately on the Form 1623, and the saccharine content of molasses mashed must be entered when the same is available. The quantity of low wines produced, and the quantity used in the manufacture of vinegar daily, will be entered on the Form 1623. The quantity of vinegar produced, and the quantity removed from the vinegar factory, must also be reported daily. The summaries of the form will be completed at the end of the month, and the losses and other information as required by the headings and lines of the summaries will be correctly indicated on the form.

#### SUBPART M—SUSPENSION AND RESUMPTION OF OPERATIONS

§ 195.185 *Suspension.* Any proprietor of a vinegar factory desiring to suspend operations in connection with the production and use of low wines for an indefinite period, or for a definite period exceeding 15 days, shall give notice to such effect, in triplicate, to the assistant regional commissioner, stating when he will suspend operations. The giving of such notice will not be required where operations are temporarily suspended. The proprietor will fix in the notice the time when all fermented distilling material will be distilled and all low wines will be used.

§ 195.186 *Registry of stills, Form 26.* When operations are suspended, the stills used for the production of low wines must be registered on Form 26, in triplicate, in accordance with the provisions of § 195.195.

(68A Stat. 628; 26 U. S. C. 5174)

§ 195.187 *Resumption.* No proprietor of a vinegar factory may carry on the business of distilling low wines after the time stated in his notice of suspension until he shall have given another notice, in triplicate, to the assistant regional commissioner, stating the time when he will resume work. The stills must be registered in conformity with § 195.195.

#### SUBPART N—REGISTRY OF STILLS

§ 195.195 *Registry on Form 26.* Every person having in his possession or custody, or under his control, any still or distilling apparatus set up and intended to be used for the distillation of distilled spirits in the manufacture of vinegar by the vaporizing process, must register the same on Form 26, in triplicate, with the assistant regional commissioner for the region in which it is located. The

temporary suspension of a vinegar plant does not necessitate reregistration of the stills. The operation of a vinegar plant by alternating proprietors, where no permanent change in ownership occurs, does not require reregistration of the stills by the proprietors. When there is a change in location or use, or a bona fide change in ownership of a still, the still must be registered to reflect the change. The assistant regional commissioner will, upon approval of the form, return one copy to the proprietor who will retain his copy on the premises available for inspection by internal revenue officers.

(68A Stat. 628; 26 U. S. C. 5174)

#### SUBPART O—CHANGE OF PERSONS INTERESTED IN BUSINESS

§ 195.200 *Completion of operations required.* When a succession, or actual change, in the person or persons operating the vinegar factory shall take place, other than a change brought about by operation of law, as by the appointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the business of producing and using low wines must be completely finished by the person or persons who have been carrying on the business, and the operations suspended before the business shall be undertaken or begun by the successor, unless by agreement of the predecessor and the successor it shall be arranged to transfer from the former to the latter at midnight on a certain day all low wines and all materials to be used in the manufacture of low wines in the vinegar factory at that hour; and provided that in either case the notice and other qualifying documents of the successor prescribed by this part have been approved, to take effect on the day next succeeding that at the close of which the transfer is made. Such documents should, therefore, be submitted to the assistant regional commissioner in sufficient time to permit such approval for the date desired. The successor shall not commence operations until all documents required for his qualification have been approved by the assistant regional commissioner.

§ 195.201 *Requirements as to predecessor.* In accordance with the provisions of subpart P the predecessor must file Form 27-F, notice of suspension, and Form 26, registering the stills in his name, in accordance with § 195.195, and there shall be stated the name of the successor in proprietorship in accordance with the instructions printed on the forms.

(68A Stat. 628; 26 U. S. C. 5174)

§ 195.202 *Reports and records.* The predecessor shall enter on his record, Form 1623, all fermenting or distilling materials, materials in process and low wines, transferred to his successor, who shall in turn enter such items on his record, Form 1623, as received from his predecessor. The predecessor will make appropriate notation on all forms and records required to be kept by him showing the change in proprietorship of the vinegar factory and the date thereof.

§ 195.203 *Succession by fiduciary.* Where a change in proprietorship is



brought about by operation of law, the administrator, executor, receiver, trustee, assignee, or other fiduciary, may not commence or complete operations until the required qualifying documents have been filed and approved. In the case of such change, the fiduciary will make appropriate notation on Form 1623 of his succession, and the date thereof.

#### SUBPART P—DISCONTINUANCE OF BUSINESS

§ 195.210 *Discontinuance.* Upon permanent discontinuance of business, and prior to the filing of Form 27-F, Form 26, and notice of suspension, as prescribed in §§ 195.185 and 195.186, all distilling materials, low wines, and vinegar must have been disposed of. All fermenting and distilling materials, low wines, and vinegar must be accounted for on Form 1623, which must be submitted to the assistant regional commissioner, in triplicate, and be marked "Final report, permanent discontinuance of business."

§ 195.211 *Notice, Form 27-F.* When all distilling materials, low wines, and vinegar have been lawfully disposed of, the proprietor shall file Form 27-F, in triplicate, with the assistant regional commissioner, stating the purpose of the filing thereof to be "Permanent discontinuance of business."

§ 195.212 *Registry of stills, Form 26.* All distilling apparatus must be registered on Form 26 with an explanatory note that the proprietor is permanently discontinuing business. Some essential portion of the distilling apparatus shall be removed to a safe place of storage pending the final dismantling and disposition of the apparatus.

(68A Stat. 628; 26 U. S. C. 5174)

#### SUBPART Q—GENERAL PROVISIONS RELATING TO VINEGAR FACTORIES

§ 195.220 *Production of mash, wort, or wash.* No mash, wort, or wash fit for distillation or for the production of spirits or alcohol shall be made or fermented in any building or on any premises other than a distillery or industrial alcohol plant duly authorized according to law, except for the manufacture of fermented liquors or for the manufacture of vinegar.

(68A Stat. 628; 26 U. S. C. 5174)

§ 195.221 *Sale or removal of mash, wort, or wash; distillation.* No mash, wort, or wash made and fermented in any distillery, industrial alcohol plant, or vinegar factory shall be sold or removed therefrom before being distilled; and no person other than an authorized distiller or proprietor of an industrial alcohol plant shall by distillation or by any other process separate the alcoholic spirits from any fermented mash, wort, or wash, except for the manufacture of vinegar.

(68A Stat. 628; 26 U. S. C. 5174)

§ 195.222 *Inspection of records and premises.* All records and reports kept and filed under the provisions of this part and all liquid or property to which such records or reports relate shall be subject to inspection at any reasonable hour by any internal revenue officer.

§ 195.223 *Samples may be taken by officers.* Internal revenue officers may take samples of low wines and vinegar, or of products manufactured with vinegar, whether at the place of manufacture or on trucks or other conveyances leaving the place of manufacture.

#### EXCEPTIONS TO REQUIREMENTS

§ 195.224 *Exceptions to construction and equipment requirements.* The Director, Alcohol and Tobacco Tax Division, may approve details of construction and equipment in lieu of those specified in this part where it is shown that it is impracticable to conform to the prescribed specifications, and the proposed construction and equipment will afford as much or more security and protection to the revenue as is intended by the specifications prescribed in this part and where such variations will not be contrary to any provision of law. Where it is proposed to substitute construction and equipment for that for which specifications are prescribed, prior approval must be obtained in accordance with the provisions of § 195.226.

(68A Stat. 680; 26 U. S. C. 5552)

§ 195.225 *Exceptions to methods of operation.* The Director, Alcohol and Tobacco Tax Division, may, in case of emergency, approve methods of operation other than those provided for by this part, where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, will not jeopardize the revenue, and where such variations are not contrary to any provision of law. Where it is proposed to employ methods of operations other than those provided for by this part, prior approval must be obtained in accordance with the provisions of § 195.226.

(68A Stat. 680; 26 U. S. C. 5552)

§ 195.226 *Application.* A proprietor who proposes to employ methods of operations or construction or to install equipment, other than as provided in this part, shall submit a letterhead application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and state the need therefor. Where variations in construction and equipment cannot be adequately described in the application, drawings or photographs shall also be submitted. The assistant regional commissioner will make such inquiries as are necessary to determine the necessity for the variations and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation.

(68A Stat. 680; 26 U. S. C. 5552)

#### SUBPART R—INSPECTION OF VINEGAR FACTORIES

§ 195.235 *Entry of vinegar factory or premises used in connection therewith.* Under the law, any internal revenue officer may at all times, as well by night as by day, enter any vinegar factory or building or place used for the business of distilling or used in connection therewith for storage or other purposes, and, if not admitted upon demand, having declared his name and office, he may break open any doors or windows or break through any of the walls of such premises necessary to be broken to enable him to enter.

(68A Stat. 636, 640; 26 U. S. C. 5196, 5216)

§ 195.236 *Authority to break up grounds or walls.* Under the law, any internal revenue officer, and any persons acting in his aid, may break up the ground on any part of the vinegar factory or premises of a vinegar maker, or any wall or partition thereof or belonging thereto, or other place, to search for any pipe, cock, private conveyance, or utensil, and upon finding any pipe or conveyance leading from or to the vinegar factory premises, to break up any ground, house, wall, or other place through or into which such pipe or conveyance leads, and to break or cut away such pipe or other conveyance.

(68A Stat. 636, 640; 26 U. S. C. 5196, 5216)

§ 195.237 *Proprietors to furnish assistance.* Under the law, on demand of any internal revenue officer, every vinegar maker shall furnish convenient ladders to enable the officer to examine any vessel or utensil in his vinegar factory, and shall furnish all assistance, lights, tools, or other things necessary for inspecting the premises and apparatus, and shall open all doors, boxes, packages, and all casks, barrels, tanks, and other vessels.

(68A Stat. 636, 640; 26 U. S. C. 5196, 5216)

#### SUBPART S—LOSSES

§ 195.245 *Investigation by assistant regional commissioners.* Where large losses of low wines are reported by the proprietors of vinegar factories, the assistant regional commissioner will immediately make such investigation and require such evidence to be submitted as he may deem necessary, and will allow or disallow the loss in accordance with existing law and regulations.

§ 195.246 *Examination of reports of proprietors.* Upon receipt of a report rendered by a proprietor of a vinegar factory for the month the assistant regional commissioner will examine such report to determine whether the proprietor has accounted for all the low wines produced by him during the month. If the assistant regional commissioner finds that the proprietor apparently has not accounted for all the low wines produced by him, he shall make such investigation as he may deem necessary and determine, from all the evidence he can obtain, the quantity of low wines actually produced by the proprietor.

§ 195.247 *Use of materials not reported.* If the assistant regional com-



missioner should find that the proprietor has received on his premises materials which have not been accounted for, or has used materials which have not been reported as used, and has produced low wines which have not been reported, the quantity of low wines produced and not reported should be determined from all the evidence that can be obtained, including evidence of the normal actual yield of low wines from such materials at the particular vinegar factory.

§ 195.248 *Determining low wines produced.* If it is determined that all materials received have been accounted for and all materials used have been reported, but that the proprietor has not accounted for all the low wines produced, the quantity actually produced should be determined from all the evidence that can be obtained. The evidence that low wines have been produced from materials reported used and that have not been accounted for by the proprietor should be direct and positive. The fraudulent removal of low wines will not be assumed from the mere fact that the quantity of low wines reported is not equal to the number of gallons which the materials reported used will ordinarily produce.

§ 195.249 *Notice to proprietor.* If it is determined that the proprietor has not accounted for all the low wines produced by him, the assistant regional commissioner will, unless the interests of the Government require an immediate assessment, notify the proprietor of the proposed assessment and afford him an opportunity to submit within 30 days, or such further time as the assistant regional commissioner may consider reasonable, evidence showing why the proposed assessment should not be made.

§ 195.250 *Nature of evidence.* The evidence submitted by the proprietor should be in the form of affidavits and certified documents.

§ 195.251 *Consideration of response.* If the proprietor responds to the notice and submits evidence bearing on the merits of the proposed assessment, the assistant regional commissioner will give due consideration thereto and make such further investigation as he may deem advisable. If, after consideration of all the facts, the assistant regional commissioner finds that the tax is due, an assessment will be made in accordance with prescribed procedure.

§ 195.252 *Evidence of loss.* Where the proprietor claims, pursuant to notice of proposed assessment, that the low wines produced and not accounted for were actually lost, without any fraud or collusion on his part, and were not illegally used or removed from the premises, he will submit evidence in support thereof.

§ 195.253 *Proprietor's failure to respond.* If the proprietor fails to respond to the notice of proposed assessment within the time specified, an assessment will be made for the amount found due in accordance with the prescribed procedure.

§ 195.254 *Examination of evidence.* When such evidence of loss is received

by the assistant regional commissioner, he will carefully examine the same to see that all the required information has been furnished, and will cause such investigation to be made, or require such additional evidence to be submitted, as he may deem necessary. Upon completion of his investigation, if any, the assistant regional commissioner will allow or disallow the loss in accordance with existing law and regulations.

#### SUBPART T—RULES FOR COMPUTING CAPACITY OF STILL

§ 195.260 *Pot or kettle stills.* The estimated maximum quantity in proof gallons of distilled spirits capable of being produced every 24 hours, which is required to be shown on the proprietor's notice, will be computed as follows for pot or kettle stills:

The working capacity of pot or kettle stills will be determined by multiplying 80 percent of the cubic capacity of the still by the maximum number of boilings that can be made in 24 hours and then multiplying this result by the percent of alcohol by volume contained in the highest yielding material to be used in distillation. This result will represent the quantity of wine gallons of absolute alcohol that can be distilled in 24 hours. This quantity, when multiplied by 2, will represent the number of proof gallons. For example, if a pot still having a cubic capacity of 2,000 gallons is used, and such still can be charged three times in eight hours, and the highest percentage of alcohol by volume in the distilling material to be used is 8 percent, the spirit-producing capacity of the still will be computed as follows:  $2,000 \times 0.8 \times 9 \times 0.08 \times 2 = 2,304$  proof gallons. (The quantity that can be distilled in 24 hours.)

§ 195.261 *Charge chamber stills.* The estimated maximum quantity in proof gallons of distilled spirits capable of being produced every 24 hours, which is required to be shown on the proprietor's notice, will be computed as follows for charge chamber stills:

Where a charge chamber still is used, the estimated maximum quantity of distilled spirits in proof gallons capable of being produced will be determined by multiplying 80 percent of the cubic capacity of the top or charge chamber of the still by the number of times the same can be filled and emptied in 24 hours. This result will represent the total number of gallons of distilling material that

can be distilled in 24 hours, which quantity will be multiplied by the percent of alcohol by volume contained in the highest yielding material to be used. The result of such computation will represent the number of wine gallons of absolute alcohol that can be distilled in 24 hours. This quantity, when multiplied by 2, will represent the number of proof gallons. For example, if a charge still is used having a charge chamber of a cubic capacity of 600 gallons which can be charged three times in one hour, and the highest percentage of alcohol by volume in the distilling material to be used is 8 percent, the spirit-producing capacity will be computed as follows:  $600 \times 0.8 \times 3 \times 24 \times 0.08 \times 2 = 5,529.6$  proof gallons. (The quantity that can be distilled in 24 hours.)

§ 195.262 *Continuous stills.* The estimated maximum quantity in proof gallons of distilled spirits capable of being produced every 24 hours, which is required to be shown on the proprietor's notice, will be computed as follows for continuous stills:

If continuous stills are used, the maximum spirit-producing capacity in proof gallons of such stills will be computed on the area of the column in square feet. The first step will be to determine the inside diameter of the still at its base and the diameter will then be divided by 2 to ascertain the radius. The diameter may be determined (1) by accurately measuring the inside width of the still with a rod or tape, or (2) by measuring the outside circumference of the still and dividing the same by 3.1416 and deducting from the quotient twice the thickness of the sides of the still. The radius (in feet) will be squared and then multiplied by 3.1416 (Pi) to ascertain the area of the column in square feet. The area in square feet will be multiplied by the factor, 40 (the number of gallons of 100 proof spirits that can be distilled in one hour per square foot of plate area), and the result will represent the total number of gallons of 100 proof spirits that can be distilled in one hour. This quantity will be multiplied by 24 to determine the number of gallons of 100 proof spirits that can be distilled in one day. For example, if a continuous still having a diameter of 4 feet is used, the spirit-producing capacity will be computed as follows:  $2 \times 2 \times 3.1416 \times 40 \times 24 = 12,063.74$  proof gallons. (The quantity that can be produced in 24 hours.)

[F. R. Doc. 54-9541; Filed, Dec. 1, 1954; 8:47 a. m.]

## NOTICES

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

##### UTAH GRAZING DISTRICT No. 7

#### SPECIAL RULE FOR CLASSIFICATION OF BASE PROPERTIES

NOVEMBER 26, 1954.

Under and pursuant to the authority vested in the Secretary of the Interior

by the act of June 28, 1934 (48 Stat. 1269; 43 U. S. C. 315, et seq.), as amended, known as the Taylor Grazing Act, and in accordance with the provisions of 43 CFR 161.15 of the Federal Range Code for Grazing Districts, and Departmental Order No. 2583 of August 16, 1950, section 2.91 (15 F. R. 5645), notice is hereby given as follows:

A proper factual showing of its necessity having been made by the State Su-



pervisor, and upon recommendation by the advisory board, it has been found that local conditions in Grazing Units Nos. 15 and 16 of Utah Grazing District No. 7 make necessary the application of a special rule for the classification of base properties in order to better achieve an administration consistent with the purposes of the act; therefore, either land only or water only, or a combination of land and water, may be classified as base property for a single livestock operation in these Grazing Units. In instances in which a combination of land and water is so recognized, the following further classification will be made in exact accord with the provisions of the Federal Range Code for Grazing Districts:

Class 1: Land dependent by use and full-time prior water.

Class 2: Land dependent by location and full-time water.

Any grazing privileges heretofore recognized in these Grazing Units consistent with this special rule and the provisions of the Federal Range Code for Grazing Districts will continue to be so recognized.

EDWARD WOOLEY,  
*Director.*

[F. R. Doc. 54-9501; Filed, Dec. 1, 1954;  
8:45 a. m.]

## DEPARTMENT OF COMMERCE

### Business and Defense Services Administration

[BDSA Delegation 5, Revocation]

#### ADMINISTRATOR OF GENERAL SERVICES

#### DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN METALS AND MINERALS; REVOCATION

Administrator of General Services (by succession to Defense Materials Procurement Administrator under section 604 of E. O. 10480).

BDSA Delegation 5 (formerly NPA Delegation 5; 17 F. R. 10893) is hereby revoked. This revocation does not affect the validity of any action taken pursuant to said delegation prior to the effective date of this revocation.

This revocation shall take effect November 30, 1954.

BUSINESS AND DEFENSE  
SERVICES ADMINISTRATION,  
CHAS. F. HONEYWELL,  
*Administrator.*

[F. R. Doc. 54-9352; Filed, Nov. 30, 1954;  
12:33 p. m.]

## DEPARTMENT OF AGRICULTURE

### Commodity Stabilization Service

#### CIGAR-FILLER (TYPE 41) TOBACCO

#### MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for cigar-filler tobacco for the marketing year beginning October 1, 1955. A referendum of farmers who were engaged in the production of the

1954 crop of cigar-filler tobacco will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations, to determine whether such farmers are in favor of or opposed to such quota and to determine whether such farmers are in favor of or opposed to cigar-filler tobacco marketing quotas for the three-year period beginning October 1, 1955.

**Registration.** The operator on each farm on which cigar-filler tobacco was produced in 1954 should inform his ASC county office of the names and addresses of all persons sharing in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

**Eligibility to vote.** 1. All persons engaged in the production of the 1954 crop of cigar-filler tobacco are eligible to vote in the referendum. Any person who shares in the proceeds of the 1954 crop of cigar-filler tobacco as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or share cropper, is considered as engaged in the production of such crop of tobacco in 1954.

2. If several members of the same family participate in the production of the 1954 crop of cigar-filler tobacco on a farm, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who have an independent bona fide status as operator, share tenant, or share cropper, and are entitled as such to share in the proceeds of the 1954 crop.

3. No person shall be eligible to vote in any community other than the community in which he resides except as follows:

(a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of cigar-filler tobacco in 1954.

(b) Any person who does not reside in or who will not be present in the county in which he engaged in the production of cigar-filler tobacco in 1954 may obtain a ballot at the most conveniently located polling place and may cast his ballot by signing his name thereto and mailing it to the office of the county committee in which he is engaged in the production of tobacco in 1954 not later than the date of the referendum.

4. There shall be no voting by mail (except as provided in par. 3 above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity, or a duly authorized member of a partnership, may cast its vote.

5. Persons who planted tobacco in the field in 1954 but did not harvest any tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as engaged in the production of tobacco in 1954 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.

6. No person (whether an individual, partnership, corporation, association or other legal entity) shall be entitled to more than one vote in the referendum

even though he may have been engaged in the production of tobacco on several farms in the same or in two or more communities, counties, or States in 1954.

7. In the event two or more persons were engaged in producing tobacco in 1954 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

**Time and place for balloting.** The Cigar-filler tobacco marketing quota referendum will be held on Friday, December 17, 1954. The place of voting and the hours which the polls will be open for voting in each community will be announced by the ASC County Committee.

Done at Washington, D. C., this 26th day of November 1954. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 54-9531; Filed, Nov. 30, 1954;  
2:33 p. m.]

## DEPARTMENT OF THE TREASURY

### Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1954,  
106th Supp.]

MID-CENTURY INSURANCE CO.,  
LOS ANGELES, CALIF.

### SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

NOVEMBER 24, 1954.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6-13, as an acceptable surety on Federal bonds. An underwriting limitation of \$170,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office, and State in which incorporated

Mid-Century Insurance Company, Los Angeles, California.

[SEAL] M. B. FOLSOM,  
*Acting Secretary of the Treasury.*

[F. R. Doc. 54-9516; Filed, Dec. 1, 1954;  
8:46 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Amdt. 0-1; FCC 54-1430]

### FIELD ENGINEERS

### DELEGATION OF AUTHORITY TO ISSUE SHIP RADIO CERTIFICATES

In the matter of amendment of Part 0 of the Commission's rules to provide for delegation of authority and procedures



in connection with the issuance of ship radio certificates pursuant to the Great Lakes Agreement, the Safety Convention and the Communications Act of 1934, as amended.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of November 1954:

The Commission having under consideration the above-captioned matter:

It appearing, that section 361 (b) of the Communications Act has been amended to empower the Commission to issue radiotelegraphy and radio-telephony certificates to certain vessels, pursuant to the provisions of the Safety Convention (Regs. 11 and 12; Ch. I) and

It further appearing, that the public interest, convenience and necessity will be served by delegating the aforementioned authority to the Commission's Engineers at its various field offices, and

It further appearing, that Part 0 of the Commission's rules should be amended to clearly reflect the authority of the Commission's field engineers to issue ship radio certificates pursuant to the Safety Convention, the Communications Act, and the Great Lakes Agreement and

It further appearing, that the amendments herein ordered are procedural and editorial in nature and, therefore, compliance with the public rulemaking procedures required by sections 4 (a) and (b) of the Administrative Procedure Act is not required;

*It is ordered*, That, effective December 6, 1954, and in accordance with sections 4 (1), 5 (d) (1), and 303 (r) of the Communications Act of 1934, as amended, Part 0 of the Commission's rules is amended as set forth below.

Released: November 26, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

1. Section 0.281 is amended by adding the following:

(j) For ship radio inspection and certification of the ship radio license, pursuant to the requirements of section 362 (b) of the Communications Act of 1934, as amended;

(k) For a Safety Radiotelegraphy Certificate or a Safety Radiotelephony Certificate in accordance with the terms of Regulations 11 and 12, Chapter I, of the Safety Convention;

(l) For inspection or periodical survey as required by Article 11 of the Great Lakes Agreement and certification prescribed by Articles 12 and 13 thereof.

2. Add the following section:

SEC. 0.284 *Authority delegated to engineers at sub-offices and ship offices and to engineers engaged in ship inspection duties at radio district offices.* (a) The engineer at each sub-office of a district headquarters office of the Field Engineering and Monitoring Bureau is delegated authority to act upon all matters contained in section 0.281, except subparagraph (b).

(b) The engineer at each ship office of a district headquarters office of the Field Engineering and Monitoring Bureau

is delegated authority to act upon matters set forth in section 0.281 (g), (j) and (k).

(c) Engineers engaged in ship inspection duties at radio district offices of the Field Engineering and Monitoring Bureau are delegated authority to act upon matters set forth in section 0.281 (j) and (l).

[F. R. Doc. 54-9524; Filed, Dec. 1, 1954; 8:47 a. m.]

[Docket No. 11100; FCC 54-1416]

TOP OF TEXAS BROADCASTING CO. (KAMQ)

ORDER ENLARGING ISSUES

In re application of Top of Texas Broadcasting Company (KAMQ), Amarillo, Texas, Docket No. 11100, File No. BP-9139; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of November 1954:

The Commission having under consideration (1) a petition to enlarge issues, filed on September 17, 1954, by Chief, Broadcast Bureau; (2) a motion to remove application from hearing docket, filed by Top of Texas Broadcasting Company on October 27, 1954; (3) an opposition by Chief, Broadcast Bureau, filed on October 29, 1954; and (4) the Commission's Order of July 7, 1954, designating the above application for hearing;

It appearing, that a further study by the Broadcast Bureau reveals that the proposed operation of Top of Texas Broadcasting Company, licensee of Station KAMQ, would not comply with the provisions of § 3.24 (g) of the Commission's rules in that the population of 1,473 persons residing within the proposed 1 v/m contour would exceed 1 percent of the population residing within the proposed 25 mv/m contour; and

It further appearing, that the applicant has amended its application which, compared to the original proposal, reduces the interference to Station KRVN and eliminates the interference to Station KIND, and has stated that, upon the removal of its application from the hearing docket, it will submit an amendment which it believes will establish that its application may be granted without violating § 3.24 (g) of the Commission's rules; and

It further appearing, that no opposition to the Broadcast Bureau's petition has been filed, and that the Broadcast Bureau opposes the applicant's motion to remove the application from the hearing docket, contending that the applicant has not set forth facts sufficient to demonstrate that the issues upon which its application has been designated for hearing have been resolved by anything which has transpired, that Station KRVN has not indicated that it no longer has objection to the grant of the KAMQ application, and that movant's mere allegation that it will submit an amendment to its application which it believes will satisfy the provisions of § 3.24 (g) of the rules is not sufficient to meet the arguments in support of the petition to enlarge the issues; and

It further appearing, that the applicant has not satisfactorily resolved the hearing issues and that its proposal, as presently constituted, does not comply with the provisions of § 3.24 (g) of the rules:

*It is ordered*, That the above-described motion of Top of Texas Broadcasting Company to remove its application from the hearing docket is denied; *It is further ordered*, That the above-described petition of the Broadcast Bureau to enlarge the issues in this proceeding is granted; *And it is further ordered*, That the issue numbered (3) is renumbered as (4) and that the issues are enlarged to include the following issue:

(3) To determine whether the operation proposed by Station KAMQ would be in compliance with § 3.24 (g) of the Commission's rules.

Released: November 29, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 54-9525; Filed, Dec. 1, 1954; 8:47 a. m.]

[Docket No. 11174; FCC 54M-1438]

JORDAN DISPATCH SERVICE

ORDER CONTINUING HEARING

In the matter of R. C. Jordan, d/b as Jordan Dispatch Service, Plainview, Texas and Lubbock, Texas; order to show cause why the licenses of stations KKG563 and KKE970 in the Domestic Public Land Mobile Radio Service should not be revoked.

The Commission having under consideration the hearing date and related matters of record in this proceeding; and

It appearing that the respondent, Jordan Dispatch Service, filed on November 19, 1954, a motion seeking dismissal of the order to show cause and in the alternative that the hearing be held in Lubbock, Texas, rather than in Washington, D. C.; and

It further appearing that the matters presented by the above motion require action by the Commission which will not be taken prior to the presently scheduled hearing date of December 1, 1954; and

It further appearing that it will conduce to the orderly dispatch of the Commission's business to continue the hearing without date and that counsel for the Chief of the Common Carrier Bureau has informally consented to such continuance as hereinafter ordered; now therefore:

*It is ordered*, This 23d day of November 1954, that the hearing in this proceeding now scheduled for December 1, 1954, is continued to a date to be set by subsequent order.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 54-9526; Filed, Dec. 1, 1954; 8:47 a. m.]



[Docket No. 11192; FCC 54M-1440]

## RADI-COMM SERVICE

## ORDER CONTINUING HEARING

In the matter of W. F. Guennewig, d/b as Radi-Comm Service, Wood River, Illinois, Docket No. 11192, File No. 1899-C2-L-54; order to show cause why the license of station KSC648 in the Domestic Public Mobile Radio Service should not be revoked.

The Acting Chief of the Common Carrier Bureau has before the Commission a petition to cancel license of station KSC648 and to terminate and dismiss proceeding in Docket No. 11192 which, if granted, will render hearing in the instant matter unnecessary.

Accordingly, on the Examiner's own motion: *It is ordered*, This 23d day of November 1954, that hearing in the above-entitled matter is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.[F. R. Doc. 54-9527; Filed, Dec. 1, 1954;  
8:47 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File Nos. 811-641, 812-896]

GOVERNMENT EMPLOYEES MUTUAL FUND, INC., ET AL.

## ORDER EXTENDING TIME FOR ANSWER AND POSTPONING DATE FOR HEARING

NOVEMBER 26, 1954.

In the matter of Government Employees Mutual Fund, Inc. File No. 811-641; Government Employees Insurance Company, Government Employees Life Insurance Company, Government Employees Corporation; File No. 812-896.

The Commission having previously, on October 26, 1954, issued its notice of and order for hearing pursuant to section 35 of the Investment Company Act of 1940, concerning the corporate name of Government Employees Mutual Fund, Inc., including the issues raised by an application filed by Government Employees Insurance Company and others, and raising certain other issues as more fully set forth in such notice and order for hearing; and

Said notice and order for hearing having directed that Government Employees Mutual Fund, Inc., registrant herein, file with the Secretary of the Commission, not later than November 10, 1954, an answer or other pleading with respect to the matters set forth in such notice and order, which date was later extended until November 26, 1954, and having directed that a hearing in such matter be held on November 16, 1954, in the offices of the Commission, 425 Second Street NW., Washington, D. C., which date for hearing was subsequently postponed until December 8, 1954; and

Government Employees Mutual Fund, Inc., having filed a request that the time for filing such answer be further extended and the date for such hearing be further postponed, and having represented that Government Employees

Insurance Company concurs in such request, and it appearing to the Commission that such extension of time and postponement may properly be granted;

*It is hereby ordered*, That the time within which Government Employees Mutual Fund, Inc., registrant herein, may file its answer or other pleading in this matter be and is hereby extended until December 13, 1954, and the date for the hearing herein be and is hereby postponed until December 15, 1954, at 10:00 a. m., in the same place and before the same Hearing Officer as hereinbefore ordered.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.[F. R. Doc. 54-9502; Filed, Dec. 1, 1954;  
8:45 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29957]

CRUDE PETROLATUM FROM CERTAIN STATES TO OFFICIAL TERRITORY

## APPLICATION FOR RELIEF

NOVEMBER 29, 1954.

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: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below. Commodities involved: Crude petrolatum (suitable only for mixing, blending, and refining), in tank-car loads.

From: Points in Kansas and Oklahoma, including Kansas City, Mo., Lake Charles and West Lake Charles, La.

To: Points in New York, Ohio, Pennsylvania, and Lyndhurst, N. J.

Grounds for relief: Rail competition, circuitry, to apply rates constructed on the basis of the short line distance formula, changes in commodity description and additional origins and destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3651, supp. 348.

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.

[SEAL] GEORGE W. LAIRD,  
Secretary.[F. R. Doc. 54-9505; Filed, Dec. 1, 1954;  
8:45 a. m.]

[4th Sec. Application 29958]

ALCOHOL AND RELATED ARTICLES FROM POINTS IN SOUTHWESTERN TERRITORY TO MASON, MICH.

## APPLICATION FOR RELIEF

NOVEMBER 29, 1954.

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: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below. Commodities involved: Denatured alcohol and related articles, carloads.

From: Points in southwestern territory.

To: Mason (Ingham County), Mich.

Grounds for relief: Rail competition, circuitry, market competition, to maintain grouping, and additional destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4064, supp. 47.

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.

[SEAL] GEORGE W. LAIRD,  
Secretary.[F. R. Doc. 54-9506; Filed, Dec. 1, 1954;  
8:45 a. m.]

[4th Sec. Application 29959]

LUMBER FROM CERTAIN POINTS TO TEXAS

## APPLICATION FOR RELIEF

NOVEMBER 29, 1954.

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: F. C. Kratzmeir, Agent, for the Kansas City Southern Railway Company, the Atchison, Topeka and Santa Fe Railway Company, and Panhandle and Santa Fe Railway Company.

Commodities involved: Lumber and related articles, carloads.

From: Stations on Kansas City Southern Railway Company, Panama, Okla., to Starks, La., inclusive.

To: Points in Texas.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.



Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4007, supp. 19.

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.

[SEAL] GEORGE W. LAIRD,  
Secretary.

[F. R. Doc. 54-9507; Filed, Dec. 1, 1954;  
8:45 a. m.]

[4th Sec. Application 29960]

FRESH MEATS FROM AMARILLO, TEX., TO  
WATERLOO, IOWA

#### APPLICATION FOR RELIEF

NOVEMBER 29, 1954.

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: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below. Commodities involved: Fresh meats, carloads.

From: Amarillo, Tex.

To: Waterloo, Iowa.

Grounds for relief: Rail competition, circuitry, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4036, supp. 29.

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.

[SEAL] GEORGE W. LAIRD,  
Secretary.

[F. R. Doc. 54-9508; Filed, Dec. 1, 1954;  
8:45 a. m.]

[4th Sec. Application 29961]

SUPERPHOSPHATE FROM THE SOUTH TO  
GREELEY AND AULT, COLO.

#### APPLICATION FOR RELIEF

NOVEMBER 29, 1954.

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: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Superphosphate (acid phosphate), other than ammoniated or defluorinated, carloads.

From: Points in southern territory.

To: Greeley and Ault, Colo.

Grounds for relief: Rail competition, circuitry, to apply rates constructed on the basis of the short line distance formula, and additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1433, supp. 5.

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.

[SEAL] GEORGE W. LAIRD,  
Secretary.

[F. R. Doc. 54-9509; Filed, Dec. 1, 1954;  
8:45 a. m.]

[4th Sec. Application 29962]

MERCHANDISE IN MIXED CARLOADS FROM ST.  
LOUIS, MO., TO ATLANTA, GA.

#### APPLICATION FOR RELIEF

NOVEMBER 29, 1954.

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: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise in mixed carloads.

From: St. Louis, Mo.

To: Atlanta, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1458.

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.

[SEAL] GEORGE W. LAIRD,  
Secretary.

[F. R. Doc. 54-9510; Filed, Dec. 1, 1954;  
8:45 a. m.]

[4th Sec. Application 29963]

CONTAINERS OR DRUMS FROM OHIO AND  
PENNSYLVANIA TO NORFOLK AND PORTSMOUTH, VA.

#### APPLICATION FOR RELIEF

NOVEMBER 29, 1954.

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: H. R. Hinsch, Agent, for carriers parties to his tariff, I. C. C. No. 4542, pursuant to fourth-section order No. 17220.

Commodities involved: Containers or drums, new, shipping, carloads.

From: Niles, Warren and North Warren, Ohio, and Sharon, Pa.

To: Norfolk and Portsmouth, Va.

Grounds for relief: Competition with rail carriers, and circuitous routes.

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.

[SEAL] GEORGE W. LAIRD,  
Secretary.

[F. R. Doc. 54-9511; Filed, Dec. 1, 1954;  
8:45 a. m.]



