

order, which shall be served upon the parties, who may file exceptions thereto within a time specified by such official. After the expiration of such time, such report together with any proposed findings of fact, conclusions of law, and orders, and exceptions filed by the parties shall be transmitted to the Secretary for consideration. Each party shall pay all expenses contracted by him in connection with any hearing under this section.

33. Wherever the words "Bureau," "Bureau of Agricultural Economics," and "Chief of the Bureau" appear in Parts 101 through 151, they are deleted and the words "Administration," "Production and Marketing Administration" and "Administrator" are substituted in lieu thereof, respectively.

34. Wherever in Parts 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114 and 151, except in §§ 101.2 (a), 102.2 (a), 103.2 (a), 104.2 (a), 105.2 (a), 106.2 (b), 107.2 (b), 108.2 (b), 109.2 (b), 110.2 (b), 111.2 (a), 112.2 (b), 113.2 (b) and 114.2 (b), a statutory and United States Code citation is given for a section of the United States Warehouse Act, such citation is deleted.

(Sec. 28, 39 Stat. 490; 7 U. S. C. 268)

Effective date. The foregoing amendments shall be effective upon their publication in the FEDERAL REGISTER.

Since the foregoing amendments are either formal or procedural, it is found upon good cause that notice and public procedure under section 4 of the Administrative Procedure Act (5 U. S. C. 1946 ed. 1003) are impracticable and unnecessary and good cause is found under said section for issuance of such amendments effective less than 30 days after their publication in the FEDERAL REGISTER.

Done at Washington, D. C. this 24th day of December 1948. Witness my hand and the seal of the United States Department of Agriculture.

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

[F. R. Doc. 48-11372; Filed, Dec. 29, 1948; 9:11 a. m.]

PART 201—FEDERAL SEED ACT REGULATIONS MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture by the Federal Seed Act, as amended (7 U. S. C. 1551-1610), the rules, regulations, findings, orders, and determinations of the Secretary under the Federal Seed Act (7 CFR Cum. Supp. §§ 201.1-201.176, as amended) are hereby amended as follows:

1. Section 201.2 (a) is amended by adding the words "as amended" after the citation "(53 Stat. 1275; 7 U. S. C. 1551-1610)".

2. Section 201.2 (h) is amended as follows:

a. The phrase "Bluestem—Agropyron smithii Rydb." is deleted and the phrase "Wheatgrass, Western (Bluestem)—Agropyron smithii Rydb." is inserted in proper alphabetic order in the list of agriculture seeds in said paragraph.

b. The phrase "Vetch woollypod—Vicia dasycarpa Ten." is deleted and the

phrase "Vetch, woollypod—Vicia dasycarpa Ten." is substituted in lieu thereof.

c. The phrase "(A. trachycaulum)" is added after the word "Hitchc" in the phrase "Wheatgrass, slender—Agropyron pauciflorum (Schwein.) Hitchc."

d. The phrase "Boiss. (B. hirta)" is added after the word "alba" in the phrase "Mustard, White—Brassica alba".

e. The phrase "(Sturt.) Bailey" is added after the word "everta" in the phrase "Popcorn—Zea mays everta".

f. The phrase "Rape, annual—Brassica napus var." is amended to read "Rape, annual—Brassica napus L. var."

g. The phrases "Rape, bird—Brassica campestris", "Rape, turnip—Brassica rapa var.", and "Sunflower (cultivated)—Helianthus annuus" are amended to read respectively "Rape, bird—Brassica campestris L.", "Rape, turnip—Brassica rapa var. L." and "Sunflower (cultivated)—Helianthus annuus L."

3. Section 201.2 (i) is amended as follows:

a. The order of the phrases beginning "Bean, lima" and "Bean, horse or broad" in the list of vegetable seeds in said paragraph is reversed to place these phrases in proper alphabetical order.

b. The phrase "Fetticus—Corn salad—Valerianella locusta oleria Poll.—V. locusta (L.) Bettke" is deleted and the phrase "Corn salad—Fetticus—Valerianella locusta oleria Poll.—V. locusta (L.) Bettke" is inserted in proper alphabetical order in the list of vegetable seeds in said paragraph.

c. The phrase "Taraxacum officinale" is added after the letter "L." in the phrase "Dandelion—Leontodon taraxacum L."

d. The phrase "(Lour.) Rupr." is added after the word "pekinensis" in the phrase "Pe-tsai or Chinese cabbage—Brassica pekinensis."

e. The letter "L" is deleted from the phrase "Squash—Cucurbita sp. L."

4. Section 201.31 is amended as follows:

a. The phrase "Fetticus (corn salad) ----70" is deleted and the phrase "Corn salad (Fetticus) ----70" is inserted in proper alphabetical order in the list of vegetable seeds in said section.

b. The final letter "s" is deleted from the word "Mustards" in the phrase "Mustards, vegetable ---- 75".

5. Section 201.60 is amended by deleting the figures ".2" and ".6" wherever they appear in said section and substituting in lieu thereof, respectively, the figures "0.2" and "0.6".

6. Wherever in §§ 201.1 through 201.176 the phrase "Assistant Administrator for Regulatory and Marketing Service work, Production and Marketing Administration" appears, it is deleted and the phrase "Administrator of the Production and Marketing Administration" is substituted in lieu thereof.

Effective date. The foregoing amendments shall be effective upon their publication in the FEDERAL REGISTER.

Since the foregoing amendments are merely formal, it is found upon good cause that notice and public procedure on such amendments under section 4 of the Administrative Procedure Act (5

U. S. C. 1003) are impracticable and unnecessary and good cause is found under said section for issuance of such amendments effective less than 30 days after their publication in the FEDERAL REGISTER.

(Sec. 402, 53 Stat. 1285; 7 U. S. C. 1592)

Done at Washington, D. C., this 27th day of December 1948. Witness my hand and the seal of the United States Department of Agriculture.

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

[F. R. Doc. 48-11387; Filed, Dec. 29, 1948; 9:18 a. m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 1]

PART 417—TOBACCO CROP INSURANCE

REGULATIONS FOR CONTINUOUS CONTRACTS COVERING 1949 AND SUCCEEDING CROP YEARS

The Tobacco Crop Insurance Regulations for Continuous Contracts for the 1949 and Succeeding Crop Years (13 F. R. 6529) are hereby amended as follows:

1. Section 417.14 is amended by inserting the paragraph designation "(a)" immediately after the title of section 10 of the policy and by adding to the said section 10 the following new paragraph:

(b) In Hartford County, Connecticut and in Hampshire County, Massachusetts there shall be a reduction in the annual premium for each insurance unit on which the insured acreage is 15.0 acres or more.

This reduction is as follows:

Acres on unit:	Amount of reduction (percent)
15.0-24.9	2½
25.0-49.9	5
50.0 and up	10

2. Section 417.14 is further amended by adding to section 11 of the policy the following new paragraph:

(e) In Hartford County, Connecticut; Hampshire County, Massachusetts; Lancaster County, Pennsylvania; and Dane and Vernon Counties, Wisconsin, a discount of five percent shall be allowed on any earned annual premium which is paid in full on or before July 31 of the year in which the premium is earned if the insured has submitted to the Corporation at the county office his acreage report on or before this date.

(Sec. 506, 52 Stat. 73, sec. 2, 55 Stat. 255, sec. 7, 61 Stat. 719; 7 U. S. C. and Sup., 1506)

Adopted by the Board of Directors on December 14, 1948.

[SEAL] E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved: December 24, 1948.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-11374; Filed, Dec. 29, 1948; 9:12 a. m.]

Chapter VI—Soil Conservation Service, Department of Agriculture

REORGANIZATION AND REVISION OF REGULATIONS

In order to conform Chapter VI of Title 7 to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the regulations of the Administrative Committee of the Federal Register and approved by the President October 12, 1948 (13 F. R. 5929), the codification of Subpart A, Part 600, Organization, Function and Procedure is hereby discontinued. Future amendments to description of organization will appear in the Notices section of the FEDERAL REGISTER.

The remaining text of Chapter VI is reorganized and revised, as set forth below.

PART 600—FUNCTION AND PROCEDURE

Sec.

- 600.1 Soil and water conservation.
- 600.2 Flood control.
- 600.3 Land conservation and utilization.
- 600.4 Rules and regulations for the protection of lands acquired under or transferred for administration under Title III.
- 600.5 Prohibited acts on lands acquired under or transferred to Title III.
- 600.6 Water conservation and utilization.
- 600.7 Appeals from administrative action.

AUTHORITY: §§ 600.1 to 600.7 issued under sec. 5, 49 Stat. 164, sec. 12, 60 Stat. 244; 16 U. S. C. 590a-590f; 50 Stat. 526; 7 U. S. C. 1011 (f).

§ 600.1 Soil and water conservation—

(a) *Cooperation with Soil Conservation Districts.* (1) The Soil Conservation Service furnishes assistance to soil conservation districts in accordance with policies and procedures set out in "A Statement by the Secretary of Agriculture concerning Departmental cooperation with Soil Conservation Districts", dated September 21, 1940. Copies of that statement and forms and information relating to cooperation with districts may be obtained from the respective State Soil Conservationists.

(2) The Service, in accordance with the Secretary's statement, makes assistance available to a district pursuant to a supplemental memorandum of understanding between the district and the Service, after (i) the district has entered into a memorandum of understanding with the Department of Agriculture, (ii) the district has formulated a district program and work plan outlining how it will carry on its activities, and (iii) the Regional Conservator determines that the district program and work plan constitute a satisfactory basis for making assistance available, and that such assistance is available. The Service may also give the district certain preliminary assistance in connection with the formulation of the district's conservation program and work plan.

(3) Requests by district governing bodies for Service assistance may be submitted to the State Conservationist, with an explanation of the district's needs on the basis of its work plan. If the Regional Conservator determines that assistance is available, the State

Conservationist furnishes copies of the form of supplemental memorandum of understanding to the district governing body for execution, after which he forwards them to the Regional Conservator for execution on behalf of the Service. A Service representative prepares and furnishes to the district a schedule of the specific assistance that the Service can make available for the remainder of the current fiscal year. Thereafter, schedules are made annually covering the period ending June 30 of the following year.

(4) Assistance to districts includes: (i) Technical services, together with clerical assistance, transportation, and other facilities required by staff technicians; (ii) field equipment; (iii) materials; (iv) labor.

(b) *Soil conservation research.* In cooperation with State Agricultural Experiment Stations, Federal Research Agencies, and interested organizations and persons, the Service conducts a practical research program designed to develop, refine and improve soil and water conservation practices in support of field operations. Small field stations and laboratories are maintained at selected locations for the purpose of conducting research on specific problems of immediate concern in the program of operations. Information regarding research work may be obtained from the Chief, or from the Assistant Chief in Charge of Research.

(c) *Other assistance.* The Service assists State and local educational agencies in the preparation of material for teaching soil conservation. It also assists organized groups and individuals in preparing informational material concerning soil and water conservation and in preparing and applying demonstrations of soil and water programs. Information regarding the availability of this assistance may be obtained from the Chief or from the respective Regional Conservators.

§ 600.2 *Flood control.* (a) The Soil Conservation Service and the Forest Service have responsibility for carrying out on watersheds designated by Congress, the investigations of and measures for runoff and water flow retardation and soil erosion prevention provided for in the Flood Control Acts. Information regarding the areas for which the Soil Conservation Service is responsible for investigations may be obtained from the regional headquarters.

(b) The Soil Conservation Service and the Forest Service make preliminary examinations to determine whether watershed treatment programs appear to be justified and whether surveys of the watersheds should be made, and recommends to the Secretary the action that should be taken. Surveys are made upon designated areas after approval by the Secretary. Survey reports describe the watersheds, their condition, flood history, and flood damages, and outline remedial watershed measures, together with estimates of their benefits and costs. They are prepared by the regional headquarters and submitted to the central office for ultimate consideration by Congress.

(c) After watersheds have been authorized for operations, work is carried out primarily in cooperation with State and local agencies and organizations. Flood control work plans are prepared to provide water management patterns on a subwatershed basis; it also provides facts and characteristics on water problems and plans for abatement of flood damages for use in planning and coordinating flood control conservation farm plans and designs for water control measures. Procedures for cooperating with soil conservation districts in carrying out flood control operations are generally similar to those described in § 600.1.

§ 600.3 *Land conservation and utilization.* (a) Activities of the Service in carrying out the program under Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, as amended; 7 U. S. C. 1010-1013) include the retirement of lands which are submarginal or not primarily suitable for cultivation so as to correct maladjustments in land use. Such lands are acquired and developed by the Service in accordance with their physical capabilities, primarily for pasture, range, woodland or wildlife use. Project lands are administered either directly by the Service or by State agencies or local organizations under agreements or leases.

(b) This land is available for use by the public, under prescribed conditions, for grazing, haying, seed harvesting, timber harvesting, recreation and other purposes when determined to be suitable for such use by Regional Conservators upon the recommendation of Project Conservationists. Use permits are generally for periods of from one to ten years. Except for certain limited recreational and other special uses, an applicant must be a citizen of the United States or a person who has filed a declaration of intention to become a citizen, and preference is given to applicants living within or near the project area.

(c) In granting grazing permits, preference or priority will be given to qualified applicants on the bases of (1) dependency or supplemental grazing to establish and maintain a minimum operating unit, (2) applicant's ability to carry stock on private land under his control when not on Government land during approved grazing season, and (3) in certain areas, past use of project lands.

(d) Unless otherwise designated and posted, land and water within the projects is open to the public for hunting, fishing, and trapping, subject to Federal and State laws. Certain project lands have been made State game refuges by agreement with State game conservation agencies, or declared closed or controlled areas by the Chief of the Service for wildlife protection. In general, intensive recreational facilities are operated by concessionaires selected after competitive bidding, under agreements the maximum periods of which are 10 years. These agreements are executed by the Regional Conservators. Permits for the construction of recreational facilities in designated areas, may be obtained from Regional Conservators.

(e) Special use permits for harvesting woodland products may be issued to local applicants by Project Conservationists in amounts not exceeding \$500 during one year. Regional Conservators may award contracts on the basis of competitive bidding for amounts in excess of \$500.

(f) Rock, sand, gravel, clay, limestone and coal may be removed from project lands for roads, local improvement, public works, or domestic purposes upon application to and approval by Project Conservationists.

(g) Easements, licenses, and leases for the construction and maintenance of highways, power, telephone and telegraph lines, etc., may be obtained from Regional Conservators.

(h) Project lands may be exchanged with private owners or State agencies for other lands.

(i) The Secretary has promulgated rules and regulations for the protection of Title III lands, any violation of which is punishable.

(j) Information concerning the availability of project lands for use by the public, the conditions governing such use, the qualifications of applicants and fees charged for various use privileges, and forms of applications for use privileges are available at project, State or regional headquarters.

§ 600.4 *Rules and regulations for the protection of lands acquired under or transferred for administration under Title III—(a) Chief of Soil Conservation Service to issue instructions.* The Chief of the Soil Conservation Service and his designees are hereby authorized and directed to issue such instructions to the officers and employees of the Soil Conservation Service, or other employees of the Department of Agriculture who may have duties with respect to such lands, as may be necessary to enforce § 600.5.

§ 600.5 *Prohibited acts on lands acquired under or transferred to Title III—(a) On all lands.* The following acts are prohibited on all lands acquired under or transferred for administration under Title III of the Bankhead-Jones Farm Tenant Act:

(1) To graze or drive any livestock upon or across such lands without an agreement or permit.

(2) To graze or drive any livestock upon or across such lands in violation of the terms of an agreement or permit.

(3) To allow livestock to drift and graze upon such lands without an agreement or permit.

(4) To graze livestock in an area closed to grazing or to graze a particular class of livestock in an area closed to that class.

(5) To fail, refuse, or neglect to remove livestock grazed under an agreement or permit, upon receipt of notice that such livestock are to be removed because such lands are being injured by improper handling of such livestock.

(6) To tear, remove, or deface, willfully, any notice which the Department of Agriculture, or the non-Federal agency to which the lands have been entrusted for use and management, has placed on such lands.

(7) To destroy, molest, disturb, injure, or remove, or to go upon such lands with

intent to destroy, molest, disturb, injure, or remove, property or appurtenances thereto, located on such lands, belonging to the United States or to the non-Federal agency to which the lands have been entrusted for use and management.

(8) To mutilate, deface, or destroy, to attempt to mutilate, deface, or destroy, or to go upon such lands with intent to mutilate, deface, or destroy, any objects of natural beauty or of scenic value located thereon.

(9) To occupy or in any way make use of such lands or appurtenances thereto or property located thereon without an agreement or a permit when such an agreement or permit is required.

(10) To occupy or use such lands or appurtenances thereto or property located thereon in a manner which violates the terms of an agreement or permit.

(11) To construct or maintain any kind of works, structures, fences, or enclosures, or to conduct any kind of business enterprise or carry on any kind of work, on such lands, without a permit.

(12) To have or leave camp refuse or debris of any description upon such lands in an exposed or insanitary condition, or to deposit in or near any stream, lake, reservoir, or other waters on such lands, substances which pollute or are likely to pollute the said streams, lake, reservoir, or waters.

(13) To set on fire or cause to be set on fire, willfully, recklessly, or negligently, any timber, brush, or grass on such lands, or to leave a camp fire on such lands without completely extinguishing it. However, this subparagraph shall not be construed to prohibit the kindling of such fires as may be authorized by permit.

(14) To throw or place a burning cigarette, cigar, match, pipe heel, or any ignited substance in any place where it may start a fire.

(15) To post, distribute or display any private notices or advertisements, excepting such as may be deemed necessary for the convenience and guidance of the public.

(16) To cut, kill, destroy, girdle, chip, box, or otherwise damage, or to remove any timber, posts, or other forest products, except as authorized by permit.

(17) To camp without a special permit on areas which are specifically excepted from such use.

(18) To occupy public camp grounds, cabins, lodges, and other recreational facilities established upon such lands, without an agreement or permit when such an agreement or permit is required.

(19) To discharge firearms in, over, or in the vicinity of public camp grounds, group camps, recreational grounds and areas, or over lakes or other bodies of water adjacent to or within such areas, or to expose any person or livestock anywhere on such lands to injury by the discharge of firearms: *Provided, however,* That hunting during authorized periods may be permitted, under specified conditions and restrictions, on designated portions of such lands and waters.

(20) To intimidate, threaten, assault, or otherwise interfere with any person on such lands while such person is engaged

in the protection, improvement, or administration thereof.

(21) To go or be upon such lands or in or on the waters thereof with intent to hunt, catch, trap, disturb, or kill any kind of game or non-game animal, game or non-game bird or fish, or to take the eggs of any such bird, when posted against hunting, fishing, or trapping, or when in violation of the laws of the United States or any regulation made in pursuance thereof, or of the laws of the respective States in which such lands or waters are situated.

(b) *On lands in game or bird refuges, etc.* The following acts are prohibited on such lands acquired under or transferred for administration under Title III of the Bankhead-Jones Farm Tenant Act as are or may be embraced within the boundaries of a national game or bird refuge, preserve, sanctuary, or reservation, established by or under authority of an act of Congress; or embraced within the boundaries of any inviolate State game or bird refuge, preserve, sanctuary or reservation; or embraced within the boundaries of any established controlled hunting, fishing, or trapping area:

(1) To carry or have possession of firearms without permit.

(2) To hunt, trap, catch, disturb, or kill any kind of game or non-game animal, game or non-game bird, or to take on such lands the eggs of any such bird, or to fish, except when authorized by permit.

(c) *On lands in recreational areas.* The following acts are prohibited on such lands acquired under or transferred for administration under Title III of the Bankhead-Jones Farm Tenant Act as are or may be designated recreational areas by appropriate posting:

(1) To discharge firecrackers or fireworks of any kind, except with written permission.

(2) To operate gambling devices or conduct games of chance of any kind whatsoever, whether for merchandise, cash prizes, or prizes of any other kind.

(3) To conduct one's self in a disorderly or obnoxious manner.

(4) To permit any dog or cat to roam at large.

(5) To engage in or solicit business, except under a permit or a concession.

(6) To build a fire anywhere except in a designated fireplace.

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

(1) "Agreement" or "permit", (i) in cases where lands have not been entrusted by the Secretary of Agriculture to a non-Federal agency for use and management, refer to an agreement or permit executed by the Secretary of Agriculture or his duly authorized representative, and, (ii) in cases where the lands have been entrusted by the Secretary of Agriculture to a non-Federal agency for use and management, they refer to an agreement or permit executed by such agency, or its duly authorized representative.

(2) "Notice", (i) in cases where lands have not been entrusted by the Secretary of Agriculture to a non-Federal agency for use and management, refers to a notice given by the Secretary of Agriculture or his duly authorized representa-

tive and (ii) in cases where the lands have been entrusted by the Secretary of Agriculture to a non-Federal agency for use and management, it refers to a notice given by such agency, or its duly authorized representative.

(e) *Penalty.* Under the terms of section 32 (f), Title III, of the Bankhead-Jones Farm Tenant Act, any violation of § 600.4, is punishable as prescribed in section 5388 of the Revised Statutes, as amended (18 U. S. C. 104).

§ 600.6 *Water conservation and utilization.* (a) The Service, within the limits of project authorizations issued pursuant to the Water Conservation and Utilization Acts, is carrying out functions in connection with the construction and development of water conservation and utilization projects in the 17 Western States. The Department of Agriculture participation is concerned with the acquisition, development, and settlement on a sound agricultural basis, of project lands, and includes technical guidance and advice to settlers thereon in agricultural matters.

(b) The Regional Conservator, when he determines that the acquisition of land is necessary, will have the land in question appraised on the basis of its normal earning capacity. Land will be acquired only at prices and with title satisfactory to the Secretary of Agriculture.

(c) Project Supervisors will determine the extent of land development to be carried out on acquired land, which work may be done either by contract after competitive bids have been received, or by force account, with the Service hiring the labor and purchasing the materials. Project lands and irrigation distribution systems in private ownership likewise may be developed or improved under contract with the owner upon his request to the Project Supervisor, who will furnish information regarding the conditions under which the work will be prosecuted. Contracts for development and improvement work, costing \$5,000 or less when paid for in cash upon contract completion, and \$500 or less when payments are made in installments, may be executed by Project Supervisors. Contracts under \$20,000 may be executed by Regional Conservators; all others must be executed by the Chief.

(d) Acquired project lands will be sold, insofar as practicable, in family-size farm units, as determined by Regional Conservators. Prior to sale the land may be leased to qualified applicants upon application to the Project Supervisor. After the project lands have been developed and irrigation water is available, Regional Conservators will, except as to units to be sold to persons to whom commitments to purchase were made prior to September 11, 1946, and who have been approved by the Family Selection Committee, advertise the number of family-size farm units on projects which will be available for sale at any specified time. For a period of 90 days after such advertisement, preference will be given to qualified veterans of World War II as defined in the Surplus Property Act of 1944, (58 Stat. 765, as amended, 50

U. S. C., app. 1611-1646). Application forms, for showing the applicant's qualifications, and information concerning the purchase of project farms may be obtained from the respective Project Supervisors or Regional Conservators. Prospective tenants and purchasers must, insofar as practicable, be in need of a family-type farm; be citizens of the United States; have had previous experience in farming where the major portion of the family income was from the farm; have a satisfactory credit reputation; and own or be in a position to secure necessary equipment and livestock to operate the land for which application is being made. In addition, prospective purchasers must be free from permanent infectious diseases or disabilities that are likely to obstruct the fulfillment of their obligations incident to the purchase of the farm. Applicants will be considered and passed upon by a Family Selection Committee composed of seven persons residing in the community or county in which the project is located. The applicants will be notified of the action taken by the Family Selection Committee.

(e) Farm units will be sold for cash or credit, at prices determined by appraisal on the basis of the normal earning capacity of the land, with quitclaim deed. In the case of credit sales, a promissory note and real estate mortgage must be executed by the purchaser. Deed, promissory note, and mortgage forms may be inspected at the project or regional headquarters.

(f) With respect to lands acquired by the United States in connection with the water conservation and utilization programs, including real property under the jurisdiction of the Soil Conservation Service held in trust for any State rural rehabilitation corporation, the Regional Conservators will execute easements, leases, licenses, permits and other forms of contracts permitting the construction and maintenance of telephone lines, pipe lines, roads, irrigation and drainage ditches, and other rights-of-way (but not those power lines, licenses for which are required by law to be granted by the Federal Power Commission), and will execute, on behalf of the United States of America, all deeds or other instruments necessary in the sale of project lands or interests therein: *Provided, however,* That in the sale and conveyance of such property, mineral rights, including coal, oil, gas and fissionable materials, which are vested in or owned by the United States, either legally or equitably at the time of the sale, shall be reserved in accordance with the then current departmental policy with respect to such reservations.

§ 600.7 *Appeals from administrative action.* In the case of any administrative action taken or decision made pursuant to authority delegated by the Chief, any member of the public may make an appeal by filing with the officer who made the decision a written request for reconsideration thereof or a notice of appeal. A decision of such officer shall be final unless an appeal is taken therefrom within a reasonable length of time by the person aggrieved. The de-

cision appealed from shall be reviewed by the immediate superior of the officer by whom the decision was made; that is, in the following order: By State Conservationists, Regional Conservators, and the Chief. Unless a written notice of appeal contains an acceptable reason for allowing a longer time for the preparation of the case, the appellant shall file immediately a statement setting forth in detail the respect in which the action or decision from which the appeal is being taken is contrary to or in conflict with the law, Departmental or Federal regulation, or the determined facts. Upon receipt of such statement the officer from whose decision or action the appeal is taken shall prepare a statement presenting the facts and considerations upon which the decision or action was taken. The appellant's statement, together with the officer's statement and all papers comprising the records of the case, shall be then transmitted to the officer to whom the appeal is taken, who will thereupon review the case and notify both the appellant and the officer of the decision.

Done at Washington, D. C., this 28th day of December 1948.

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

[F. R. Doc. 43-11489; Filed, Dec. 29, 1948; 11:48 a. m.]

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

PART 927—MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

ORDER, AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

§ 927.0 *Findings and determinations.* The findings and determinations herein after set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 12 F. R. 1159, 4904), a public hearing was held upon certain proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Upon the

basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

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

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions, and to insure the proper pricing of milk subject to the order. Orderly marketing of milk will be jeopardized by any delay beyond January 1, 1949, in the effective date of this order, as amended and as hereby further amended. The changes effected by this order, amending the order, as amended, do not require substantial or extensive preparation by persons affected prior to the effective date. The time intervening between the date of issuance of this order and its effective date affords persons affected a reasonable time to prepare for its effective date. In view of the foregoing, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication. (Section 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong. 60 Stat. 237.)

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

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

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

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who, during September 1948 (said month having been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

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

Amend § 927.5 (a) (1) (ii) to read as follows:

(ii) The Class I-A price per hundredweight for each of the months of January through June 1949 shall be the 201-210 mile zone price per hundredweight established under Order No. 4 for Class I milk containing 3.7 percent butterfat for the Greater Boston marketing area, minus 19 cents.

Issued at Washington, D. C., this 24th day of December 1948, to be effective on and after the 1st day of January 1949.

(Sec. 10 (c), 48 Stat. 37, as amended, 58 Stat. 248; 7 U. S. C. 610 (c), sec. 102, 61 Stat. 951, 12 F. R. 4534; 3 CFR, 1947 Supp.)

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-14388; Filed, Dec. 29, 1948; 9:17 a. m.]

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

AMENDMENT TO RULES AND REGULATIONS: CHANGES IN REPRESENTATION ON BARTLETT PEAR COMMODITY COMMITTEE

On October 6, 1948, notice was published in the FEDERAL REGISTER (13 F. R. 5836) with respect to the approval by the Secretary of Agriculture of the resolution adopted by the Control Committee, established under the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums and Elberta peaches grown in the State of California, changing the representation of certain districts on the Bartlett Pear Commodity Committee, also established under said amended marketing agreement and Order. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. and Supp. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, it is hereby found and determined that

the changed representation, as herein-after set forth, is based, so far as practicable, upon the proportionate quantity of Bartlett pears shipped from the respective districts during the preceding three seasons (as such term is defined in the amended marketing agreement and order). The approval of such changed representation on the Bartlett Pear Commodity Committee is in accordance with the amended marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended.

The changes in representation are hereby approved, effective 30 days after publication hereof in the FEDERAL REGISTER, and are reflected by the addition of the following new paragraph (d) to § 936.102 *Administrative bodies* of the rules and regulations (7 CFR, 1947 Supp., 936.100 et seq.):

§ 936.102 *Administrative bodies.*

(d) *Changes in the representation of certain districts on Bartlett Pear Commodity Committee.* The representation or membership on the Bartlett Pear Commodity Committee is changed to provide for:

(1) Three (3) members to represent the North Sacramento Valley District, Central Sacramento Valley District, Sacramento River District and Stockton District;

(2) Two (2) members to represent the Placer District;

(3) One (1) member to represent the Solano District;

(4) One (1) member to represent the Contra Costa District and Santa Clara District;

(5) One (1) member to represent the Lake District;

(6) One (1) member to represent the North Coast District and North Bay District;

(7) One (1) member to represent the Colfax District; and

(8) Two (2) members to represent the Eldorado District and all of the area not included in the North Sacramento Valley District, Central Sacramento Valley District, Colfax District, Placer District, Sacramento River District, Stockton District, Solano District, Contra Costa District, Santa Clara District, Lake District, North Coast District, and North Bay District.

(49 Stat. 755, 50 Stat. 246, secs. 2, 4, 61 Stat. 707, 710; 7 U. S. C. and Supp., 608c)

Done at Washington, D. C., this 24th day of December 1948.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-11369; Filed, Dec. 29, 1948; 9:12 a. m.]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1948-1949 FISCAL YEAR

On November 23, 1948, notice of proposed rule making was published in the

FEDERAL REGISTER (13 F. R. 6884) regarding the budget of expenses and the fixing of the rate of assessment for the 1948-1949 fiscal year under Marketing Agreement No. 94, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or the State of Arizona. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which were submitted by the Lemon Administrative Committee (established pursuant to the marketing agreement and order), it is hereby found and determined that:

§ 953.203 *Budget of expenses and rate of assessment for the 1948-1949 fiscal year.* (a) The expenses necessary to be incurred by the Lemon Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, for the maintenance and functioning, during the fiscal year beginning on November 1, 1948, and ending on October 31, 1949, both dates inclusive, of such committee will amount to \$124,845, and the rate of assessment to be paid, in accordance with the aforesaid marketing agreement and order, by each handler who first handles lemons shall be one and one-half cents (\$0.015) per box of lemons, or an equivalent quantity of lemons, handled by him as the first handler thereof during said fiscal year; and such rate of assessment is hereby approved as each such handler's pro rata share of the aforesaid expenses.

(b) The provisions hereof shall become effective at 12:01 a. m., P. S. T., January 24, 1949.

(c) As used in this section, the terms "handler," "handles," "box," "handled," and "lemons" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp. 953.1 et seq.; 13 F. R. 766)

Done at Washington, D. C., this 24th day of December 1948.

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

[F. R. Doc. 48-11370; Filed, Dec. 29, 1948; 9:07 a. m.]

PART 961—HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER, AS AMENDED

Correction

FEDERAL REGISTER Doc. No. 48-11284, appearing at page 8325 of the issue for Saturday, December 25, 1948, was inadvertently included in the Rules and Regulations section. This document should have appeared under the Proposed Rule Making section.

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Production and Marketing Administration (Packers and Stockyards Division)

PART 203—AUTHORIZATION FOR INSPECTION OF LIVESTOCK

NORTHWEST OKLAHOMA CATTLEMEN'S ASSOCIATION, INC.

The Northwest Oklahoma Cattlemen's Association, Inc., pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), has filed a written application with the Secretary of Agriculture for authority to act as an official livestock inspection agency with respect to livestock originating in or shipped from the counties of Beaver, Cimarron, Ellis, Dewey, Harper, Major, Roger-Mills, Texas, Woods and Woodward in the State of Oklahoma. It is found that the applicant is a duly organized livestock association of the State of Oklahoma, that branding and marking of livestock as a means of establishing ownership prevail by custom or statute in the said ten counties of said State of Oklahoma, that no other application of a similar nature has been filed with the Department of Agriculture, and that it is necessary to authorize the Northwest Oklahoma Cattlemen's Association, Inc. to charge and collect a reasonable and non-discriminatory fee at posted stockyards which are subject to the provisions of the act for the inspection of brands, marks, and other identifying characteristics of livestock originating in or shipped from the said ten counties in the State of Oklahoma for the purpose of determining the ownership of such livestock. Therefore, after consideration of such application and all data, views, and argument submitted as a result of the notice of proposed rule making in connection therewith, published in the FEDERAL REGISTER on November 25, 1948 (13 F. R. 6958), pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended, the following authorization is granted to become effective thirty days after publication in the FEDERAL REGISTER.

§ 203.14 *Northwest Oklahoma Cattlemen's Association, Inc.* The Northwest Oklahoma Cattlemen's Association, Inc. is hereby authorized, with respect to livestock originating in or shipped from the counties of Beaver, Cimarron, Ellis, Dewey, Harper, Major, Roger-Mills, Texas, Woods and Woodward in the State of Oklahoma, to charge and collect at those stockyards posted under the Packers and Stockyards Act, 1921, as amended, at which the said Northwest Oklahoma Cattlemen's Association, Inc. may register as a market agency to perform such inspection, reasonable and non-discriminatory fees for the inspection of brands, marks, and other identifying characteristics of livestock for the purpose of determining the ownership of such livestock. Such charges as are authorized to be made under this authorization shall be collected by the market agency or person receiving and disburs-

ing the funds received from the sale of livestock with respect to the inspection of which such charge is made, and shall be paid by it to the said Northwest Oklahoma Cattlemen's Association, Inc. Such inspection, charges, and collection of fees shall be subject to the provisions of the Packers and Stockyards Act, 1921, as amended, and the regulations promulgated pursuant thereto. (42 Stat. 159, as amended; 7 U. S. C. 181 et seq.)

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

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

[F. R. Doc. 48-11368; Filed, Dec. 29, 1948; 9:07 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration

[Amdt. 1]

PART 570—GENERAL REGULATIONS OF THE WASHINGTON NATIONAL AIRPORT

DISCRIMINATION OR SEGREGATION

Acting pursuant to the authority vested in me by the act to provide for the Administration of Washington National Airport (54 Stat. 686-688), finding that compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act would be unnecessary and contrary to the public interest, since actual notice has been given and delay would permit continuance of the practices prohibited by this amendment, I hereby amend Part 570 of this chapter by adding a new § 570.28 to read as follows:

§ 570.28 *Discrimination or segregation.* In the operation of all facilities of the Washington National Airport, services shall be rendered without discrimination or segregation as to race, color or creed.

This amendment shall become effective immediately. (Sec. 2, 54 Stat. 688)

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

DECEMBER 27, 1948.

[F. R. Doc. 48-11400; Filed, Dec. 29, 1948; 9:41 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN-OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and 61 Stat. 11; 21 U. S. C., Sup. 357) the

regulations for tests and methods of assay of antibiotic drugs (12 F. R. 2215) and certification of batches of penicillin- or streptomycin-containing drugs (12 F. R. 2231; 13 F. R. 6015) are amended as indicated below:

1. Section 141.9 *Tablets buffered penicillin*, is amended by adding the following new paragraph:

(c) *Microorganism count*. Proceed as directed in § 141.21 (b).

2. Part 141 is amended by adding the following new section:

§ 141.33 *Buffered penicillin powder*. Proceed as directed in §§ 141.1 and 141.5 (a).

3. In § 146.27 *Tablets buffered penicillin*, paragraph (a) is amended to read:

(a) *Standards of identity, strength, quality, and purity*. Tablets buffered penicillin is tablets composed of sodium penicillin, calcium penicillin, potassium penicillin, or procaine penicillin and one or more suitable buffer substances in quantities sufficient to exert a buffering action, with or without the addition of one or more suitable and harmless diluents, binders, lubricants, colorings, and flavorings. The potency of each tablet is not less than 50,000 units, and if it is less than 100,000 units it is "unscored"; its moisture content is not more than 1.0%. If it is represented to be used for inhalation therapy its content of viable microorganisms is not more than 50 per gram. The sodium penicillin, calcium penicillin, and potassium penicillin used conform to the standards prescribed by § 146.24 (a), except subparagraphs (1), (2), (4), and (7) of § 146.24 (a), but its potency is not less than 300 units per milligram. The procaine penicillin used conforms to the requirements of § 146.44 (a), except subparagraphs (2) and (3) of § 146.44 (a). Each other substance, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

3. In § 146.27, subparagraph (2) (i) of paragraph (d) *Requests for certification; samples* is amended to read:

(i) The batch; average potency per tablet, average moisture, and the content of viable microorganisms if it is represented to be used for inhalation therapy.

4. In § 146.46 *Crystalline penicillin for inhalation therapy*, the first sentence of paragraph (b) *Packaging*, is amended to read as follows: "The immediate container of crystalline penicillin for inhalation therapy shall be a tight container as defined by the U. S. P.; its closure shall be one through which a hypodermic needle cannot be introduced; and the container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded."

5. In § 146.46 subparagraph (1) (iv) of paragraph (c) *Labeling*, is amended to read:

(iv) If it is packaged in combination with a container of a solvent, the statement "Warning—Not for Injection."

6. Part 146 is amended by adding the following new section:

§ 146.51 *Buffered penicillin powder*—
(a) *Standards of identity, strength, quality, and purity*. Buffered penicillin powder is a dry mixture of crystalline penicillin and suitable buffer substances, with or without suitable and harmless diluents, colorings, and flavorings. Its moisture content is not more than 1.0%. The penicillin used conforms to the requirements of § 146.24 (a) for crystalline penicillin, except subparagraphs (2), (4), and (7) of § 146.24 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging*. In all cases the immediate container of buffered penicillin powder shall be a tight container as defined by the U. S. P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each immediate container shall contain not less than 600,000 units and each may be packaged in combination with a container of a suitable and harmless aqueous vehicle.

(c) *Labeling*. Each package of buffered penicillin powder shall bear on its label or labeling as hereinafter indicated the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;
(ii) The number of units in the immediate container;
(iii) The name of each buffer substance used in making the batch;

(iv) The statement "Expiration date _____," the blank being filled in with the date which is 18 months after the month during which the batch was certified; and

(v) The statement "Warning—Not for Injection."

(2) On the outside wrapper or container:

(i) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a _____," the blank being filled in with the word "physician" or "dentist" or "veterinarian" or any combination of two or all of these words, as the case may be.

(ii) Unless it is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such buffered penicillin powder, or reference to a brochure or other printed matter containing such directions and precautions,

and a statement that such brochure or printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if it is intended solely for veterinary use, directions and precautions adequate for the use of such buffered penicillin powder including:

(i) Clinical indications;
(ii) Dosage and administration;
(iii) Contraindications; and
(iv) Untoward effects that may accompany administration, including those for any buffer substance present.

If two or more such immediate containers are in such package the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Request for certification; samples*. (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of buffered penicillin powder shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each immediate container, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency and moisture.
(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity, and heat stability, and the penicillin G content if it is crystalline penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 20 immediate containers or more than 100 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The penicillin used in making the batch; 10 packages containing approximately equal portions of not less than 60 mg. each, packaged in accordance with the requirements of § 146.24 (b).

(iii) In case of an initial request for certification, each buffer substance, diluent, coloring, or flavoring used in making the batch; one package of each containing approximately 5 gm.

(iv) In case of an initial request for the certification of a batch of buffered penicillin powder which is to be pack-

aged in combination with an aqueous vehicle, or when any change is made in the composition of such aqueous vehicle, 5 packages of the vehicle included in the combination.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of buffered penicillin powder under the regulations in this part shall be:

(1) \$1.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) of this section; \$4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), and (iv) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

This order, which provides for modification of the standard for tablets buffered penicillin if they are represented to be used for inhalation therapy; modification of the packaging requirements for crystalline penicillin for inhalation therapy; modification of the labeling requirements for crystalline penicillin for inhalation therapy, when it is not packaged with a container of solvent; and for a new penicillin product, buffered penicillin powder, shall become effective upon publication in the *FEDERAL REGISTER*, since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay providing for the modification of the standard for tablets buffered penicillin if they are represented to be used for inhalation therapy; modification of the packaging requirements for crystalline penicillin for inhalation therapy; modification of the labeling requirements for crystalline penicillin for inhalation therapy when it is not packaged with a container of solvent; and for a new penicillin product, buffered penicillin powder.

Dated: December 24, 1948.

(Sec. 3, 59 Stat. 463; 21 U. S. C. and Sup. 357)

[SEAL] J. DONALD KINGSLEY,
Acting Administrator.

[F. R. Doc. 48-11392; Filed, Dec. 29, 1948; 9:04 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter B—The Foreign Service

[Foreign Service Reg. 8-50]

EDITORIAL CHANGES INCIDENT TO PUBLICATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

Under authority contained in R. S. 161 and sections 302 and 1135, 60 Stat. 1001 and 1040 (5 U. S. C. 22, 22 U. S. C. 842, note to 801), and pursuant to Executive Order 9930 of February 4, 1948 (13 F. R. 519) governing the 1949 edition of the Code of Federal Regulations and to the Federal Register Regulations of October 12, 1948 (13 F. R. 5929), Subchapter B, Chapter I, Title 22 of the Code of Federal Regulations is hereby amended as follows:

1. The following sections of Subchapter B, Chapter I, Title 22 of the Code of Federal Regulations are excluded from the Code of Federal Regulations, 1949 Edition:

Sec.	Sec.	Sec.
101.525	102.102	102.800
101.530	102.104	102.802
101.560	102.305	102.803
101.565	102.404	102.804
101.581	102.410	102.806
101.585	102.502	102.808
101.590	102.515	102.810
101.595	102.520	102.811
101.830	102.545	102.813
101.840	102.622	102.815
101.845	102.636	102.817
101.855	102.661	102.818
101a.10	102.669	102.820
102.80	102.674	102.821
102.101	102.795	

104.1 to 104.9, inclusive	
104.11 to 104.16, inclusive	
105.1 to 105.14, inclusive	
105.19	
105.21 to 105.28, inclusive	
105.36	
105.39 to 105.47, inclusive	
105.53 to 105.55, inclusive	
105.57 to 105.59, inclusive	
106.1 to 106.2, inclusive	
107.1 to 107.4, inclusive	
108.6	
109.3	
109.9	
109.11	
110.1 to 110.2, inclusive	
110.7	
111.1 to 111.8, inclusive	
112.1 to 112.7, inclusive	
120.8	

2. The following sections of Subchapter B, Chapter I, Title 22 of the Code of Federal Regulations are withdrawn from codification. Future amendments of this material will appear in the Notices section of the *FEDERAL REGISTER*:

Sec.	Sec.	Sec.
101.500	101.540	101.825
101.505	101.570	102.207
101.535	101.815	

3. Parts 84, 101 to 118, inclusive, and 120 to 122, inclusive, Chapter I, Title 22 of the Code of Federal Regulations are renumbered and redesignated as follows:

Part 101—Definitions.	
Part 102—Protocol.	
Part 103—Finance and Accounting.	
Part 104—General Administrative Services.	
Part 105—Personnel.	
Part 106—Economic and Commercial Functions.	

Part 107—Control of Nationals.
Part 108—Immigration Control.
Part 109—Protection and Welfare of Individuals.
Part 110—Protection and Relief of Seamen.
Part 111—Protection and Relief of Military Personnel.
Part 112—Law Enforcement.
Part 113—Transportation Controls.
Part 114—Import Controls.

4. The following sections of Subchapter B, Chapter I, Title 22 of the Code of Federal Regulations are renumbered and the headings amended as follows:

Old sec. No.	New sec. No.	New sec. heading
101.60	101.1	Foreign Service Office.
101.61	101.2	Mission.
101.62	101.3	Combined office.
101.63	101.4	Consular office.
101.75	101.5	Consular office.
101.915	102.1	Customs courtesies for foreign representatives.
102.322	105.1	Bonding.
102.622	105.4	Retired Service personnel.
105.15	105.1	Tariff of United States Foreign Service fees.
105.16	105.2	No fee services.
105.17	105.3	Receipts for fees.
105.18	105.4	Refund of fees.
105.20	105.5	Fee stamps.
105.56	105.6	Claims.
106.3	104.1	Unofficial mail.
109.1	105.2	Assignment and commissioning of attachés.
109.2	105.3	Duties of attachés.
109.4	102.2	Visits of American Naval vessels.
109.5	102.3	Official calls between Naval officers and officers of the Foreign Service.
109.6	111.1	Services for the Navy.
109.7	109.2	Requests for Naval Force in foreign ports.
109.8	111.2	Relief of Coast Guard personnel.
109.10	113.14	Quarantine laws and regulations.
110.3	109.9	Legal services.
110.4	109.10	Agreements with local attorneys.
110.5	109.11	Notarial services.
110.6	112.1	Service of legal process.
111.1	109.13	Celebration of marriages.
112.2	109.14	Acting as official witness at marriage ceremony.
113.3	109.15	Certificate of witness to marriage.
113.4	109.16	Authentication of marriage and divorce documents.
113.5	109.17	Certification to marriage laws.
113.6	109.12	Registration of births.
113.7	109.18	Publication and reports on deaths.
113.8	109.19	Shipment of remains.
113.9	109.20	Personal estates of deceased Americans.
113.10	109.21	Consular functions in connection with wills.
113.11	109.22	Effects of Americans (other than seamen) dying on the high seas.
113.12	109.23	Disposition of estates on transfer of office.
113.13	109.24	Real property of deceased Americans.
113.14	109.25	American claimants to foreign estates and inheritances.
113.15	109.26	Estates of naturalized American citizens.
113.16	109.27	Duties of consular agents in connection with estates.
114.1	106.1	Protection of American interests.
114.2	106.2	Promotion of American interests.
114.3	106.3	Services for American businessmen and organizations.
114.4	106.4	Economic and commercial reporting.
115.1	114.1	Enforcement of import control laws and regulations.
115.2	114.2	Authority to require power of attorney for agent to sign invoices.
115.3	114.3	Certification of invoices.
115.4	114.4	Answering inquiries regarding Tariff Acts and Customs Regulations.
115.5	114.5	Furnishing samples to Collectors of Customs or appraising officers.
115.6	114.6	Assistance to Customs and Tariff Commission representatives.
116.1	113.1	Instructions relating to vessels and aircraft.
116.2	113.2	Instructions relating to vessel and aircraft documents.
117.1	113.3	Entry and clearance of vessels of the United States in foreign ports.
117.2	113.4	Entry and clearance of American-owned undocumented vessels in foreign ports.
117.3	113.5	Vessels and aircraft clearing from foreign ports for ports in the United States.
117.4	113.6	Reports on wrecked, lost or stranded vessels of the United States.
117.5	113.7	Consular jurisdiction over wrecked, lost or stranded vessels of the United States.

Old sec. No.	New sec. No.	New sec. heading
117.6	113.8	Consular functions in connection with wrecked, lost, or stranded vessels of the United States.
117.7	113.9	Surveys of American-owned vessels.
117.8	113.10	Bottomry bonds.
117.9	113.11	Transfers of vessels abroad to American ownership.
117.10	113.12	Transfers of American-owned vessels to aliens or to foreign registry.
117.11	113.13	Rights and duties of consular officers in connection with navigation.
118.1	110.1	Seamen defined.
118.2	110.2	Shipment of seamen.
118.3	110.3	Discharge of seamen.
118.4	110.4	General policy in discharge of seamen.
118.5	110.5	Wages of seamen.
118.6	110.6	Relief and repatriation of seamen.
118.7	110.7	Deceased seamen.
84.1	110.8	Complaints, disputes and offenses.
84.2	110.9	Complaints and disputes.
84.3	110.10	Desertion of seamen.
84.4	110.11	Crimes, mutiny and insubordination.
120.1	109.5	Reports on catastrophes abroad.
120.2	109.6	Reports on rescues at sea.
120.3	109.4	Services for distressed Americans.
120.5	109.3	Storage or safekeeping of private property.
120.6	109.7	Assistance to American Red Cross.
120.7	109.8	Presentation of Americans at foreign courts.
121.1	107.1	Nationality.
121.3	107.2	Registration.
121.2	107.3	Travel documents.
121.4	108.1	Protection of Americans abroad.
122.1	108.1	Enforcement of immigration controls abroad.
122.2	108.2	Diplomatic visas.

5. Any amendments of Subchapter B, Chapter I, Title 22 of the Code of Federal Regulations, issued hereafter by the Secretary of State, will conform to the part and section numbers and designations established by paragraphs 3 and 4 of this order.

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

Approved: December 21, 1948.

For the Secretary of State.

[SEAL] ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 48-11348; Filed, Dec. 29, 1948;
9:12 a. m.]

[Dept. Reg. 108.84]

PART 10—STUDY AND RESEARCH IN THE DEPARTMENT OF STATE

REVISION OF REGULATION

Under the authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to the act of April 12, 1892, as amended, respecting literary and scientific collections accessible to investigators and students (20 U. S. C. 91), Part 10 of Title 22 of the Code of Federal Regulations is hereby superseded by the following regulation.

§ 10.1 *Definition.* The term records is construed in accordance with the act of July 7, 1943 (57 Stat. 380; 44 U. S. C. 366).

§ 10.2 *Availability of classified material.* Material bearing a security classification will not be made available outside the Department, except under the conditions outlined in the Security Regulations of the Department.

§ 10.3 *Use of records by officials of the United States Government other than officers of the Department of State.* Authorization for Government officials, other than officers of the Department of State, to use the records of the Department, except where the application is processed: (a) through liaison channels of the Division of Communications and Records, for civilian agencies of the Government; (b) through the Office of Libraries and Intelligence-Acquisition, for intelligence agencies; (c) through the Office of Controls, for security agencies; and (d) through the Legislative Counsel or Assistant Secretary of State—Administration, for Congressional committees and their staffs and for individual Congressmen; will be subject to such conditions as the chiefs of the appropriate policy divisions of the Department of State, in consultation with the Chief of the Division of Historical Policy Research and the Chief of the Division of Security, may deem it advisable to prescribe.

§ 10.4 *Use of records by persons who are not officials of the United States Government.*—(a) *Records of the open period.* The records of the Department prior to January 1, 1923, with certain exceptions such as records relating to the citizenship of individuals, unsettled claims, and Foreign Service inspection and personnel records, are open for inspection by the general public at the National Archives, subject to its regulations. On January 1, 1949, and each year thereafter until January 1, 1955, this date will be automatically advanced one year.

(b) *Records of the restricted period.* Records of the Department between the open period and January 1, 1933 are restricted and are available for use under the following regulations:

(1) Applicants such as lawyers, publicists, and scholars must satisfy the Department that they are qualified to do research and that they have an important and definite use for the information desired.

(2) Applicants must confine their requests for material to specific subjects or particular papers. (Neither the Department nor the National Archives is in a position to assemble large quantities of papers for persons not officials of the United States Government.)

(3) Applicants must agree to utilize records made available to them subject to such conditions as the Department may find it necessary to prescribe.

(4) An application from an alien to consult the records of the Department under this regulation, except in the case of an alien visiting this Government under an international-exchange program administered by the United States, will be considered only if such an application is accompanied by a letter from the head of the embassy or legation at Washington of the country of which the alien is a citizen, subject, or national. Such a letter will show that the applicant is favorably known to the appropriate embassy or legation and that the mission is familiar with the applicant's work. The Department, however, reserves the right, without prejudice, to refuse permission to consult the original records to any alien applicant.

(5) Applications to consult restricted records will be referred to the Chief of the Division of Historical Policy Research, who will inform the applicants as to whether the desired records can be made available within security restrictions. The Division of Historical Policy Research will make any necessary arrangements for applicants to consult official files subject to such conditions as may be decided upon.

(c) *Records of the closed period.* Records of the Department of a date later than January 1, 1933, or such subsequent date as may be fixed by the Department, will normally be regarded as closed, and will be made available to persons who are not officials of the United States Government only in exceptional circumstances upon determination that the interests of national policy are served thereby.

(d) *Liberal interpretation of regulation.* It is the policy of the Department to make its records available to persons not officials of the United States Government as liberally as circumstances permit.

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

(R. S. sec. 161, No. 8, 27 Stat. 395, sec. 1, 31 Stat. 1039, sec. 1, 45 Stat. 531, sec. 4 (e), 53 Stat. 1433, sec. 3, 54 Stat. 1232; 5 U. S. C. 22, 20 U. S. C. 91)

Approved: December 23, 1948.

For the Secretary of State.

[SEAL] ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 48-11347; Filed, Dec. 29, 1948;
9:14 a. m.]

[Dept. Reg. 108.86]

PART 40—VISAS: DIPLOMATIC

The following amendment to Part 40 (former Part 60), Chapter I, Title 22, Code of Federal Regulations (Departmental Regulation 12, 10 F. R. 12679) is hereby prescribed:

Paragraph (c) of § 40.2 is amended to read as follows:

§ 40.2 *Officers authorized to grant diplomatic visas.* * * *

(c) The Chief and the Assistant Chiefs of the Visa Division of the Department of State, and the Chief and Assistant Chief of the Diplomatic Visa Section of the Visa Division are authorized to grant diplomatic and official visas to aliens who are diplomatic, or career consular officers of foreign governments, and to members of their immediate families, attendants, servants, and employees, who are in, and desire to reenter, the United States after a temporary absence therefrom. Any such visa shall be considered as having been granted to an alien who is classified as a nonimmigrant under section 3 (1) of the Immigration Act of 1924, as amended, unless otherwise specified in the visa.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup. 1003) relative to proposed rule-making and delayed effective date

are inapplicable since this regulation involves foreign affairs functions.
(40 Stat. 559; 54 Stat. 673; 55 Stat. 252; 8 U. S. C. 451; 22 U. S. C. 223-227)

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

Approved: December 23, 1948.

[SEAL] **ROBERT A. LOVETT,**
Acting Secretary of State.

Dated: December 17, 1948.

Recommended, in so far as the provisions of the Immigration Act of 1924 and the Alien Registration Act of 1940, are concerned:

TOM C. CLARK,
Attorney General.

[F. R. Doc. 48-11349; Filed, Dec. 29, 1948; 9:15 a. m.]

[Dept. Reg. 108.85]

PART 63—VISAS: DOCUMENTATION OF ALIENS ENTERING THE UNITED STATES AS SEAMEN OR AIRMEN

REVOCATION OF REGULATIONS RELATING TO DOCUMENTATION REQUIRED OF ALIENS ENTERING THE UNITED STATES AS SEAMEN OR AIRMEN

Sections 63.51, 63.52, and 63.53 of Part 63, Chapter I, Title 22, Code of Federal Regulations (Departmental Regulation 108.19, 11 F. R. 10107), relating to documents required of aliens entering the United States as members of crews of, or as passengers on, aircraft, are hereby revoked.

This order shall become effective upon the date of its publication in the **FEDERAL REGISTER**. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to proposed rule making and delayed effective date are inapplicable because this order relates to foreign-affairs functions.

(Sec. 24, 43 Stat. 166; 8 U. S. C. 222)

[SEAL] **ROBERT A. LOVETT,**
Acting Secretary of State.

DECEMBER 23, 1948.

Recommended, so far as the provisions of the Immigration Act of 1924 and the Alien Registration Act, 1940, are concerned:

TOM C. CLARK,
Attorney General.

DECEMBER 21, 1948.

[F. R. Doc. 48-11348; Filed, Dec. 29, 1948; 9:12 a. m.]

TITLE 29—LABOR

Chapter X—National Mediation Board

EDITORIAL CHANGES INCIDENT TO PUBLICATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Chapter X of Title 29 to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the regulations of the Administrative Committee of the Federal

Register and approved by the President effective October 12, 1948 (13 F. R. 5929), the following editorial changes are made, effective upon their publication in the **FEDERAL REGISTER**.

1. The codification of Part 1201, Organization, and Part 1207, Availability of Board's Records, is discontinued. Future amendments to this material will appear in the Notices section of the **FEDERAL REGISTER**.

2. Parts 1202 to 1206 are redesignated Parts 1201 to 1205, respectively, Part 1203 is redesignated Part 1206, and the sections in those parts are redesignated accordingly.

3. The headnote of former Part 1203, Functions, is changed to read "Part 1202, Rules of Procedure."

Approved for National Mediation Board.

[SEAL] **ROBERT F. COLE,**
Secretary.

[F. R. Doc. 48-11345; Filed, Dec. 29, 1948; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 5]

PART 604—SELECTIVE SERVICE OFFICERS

SIGNING OFFICIAL PAPERS

The Selective Service Regulations are hereby amended as follows:

Section 604.59 is amended to read as follows:

§ 604.59 *Signing official papers.* Official papers issued by a local board may be signed by the clerk of the local board if he is authorized to do so by resolution duly adopted by and entered in the minutes of the meetings of the local board; provided, that the chairman or a member of the local board must sign a particular paper when specifically required to do so by the Director of Selective Service. (Sec. 10, Pub. Law 759, 80th Cong.; E. O. 9979, July 20, 1948, 13 F. R. 4177)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] **LEWIS B. HERSHEY,**
Director of Selective Service.

DECEMBER 23, 1948.

[F. R. Doc. 48-11391; Filed, Dec. 29, 1948; 9:16 a. m.]

Chapter XXIII—War Assets Administration

REARRANGEMENT OF TEXT AND RENUMBERING OF TITLE, CHAPTER, AND SECTIONS

EDITORIAL NOTE: For the purpose of effecting a more logical arrangement of subject matter and more consistent system of numbering Title 32, Chapter XXIII, of the Code of Federal Regulations is renumbered as follows under Title 44, Chapter IV. Future amendments will conform to new designations.

Old sec. No.	New sec. No.	
8501.1 to 8501.20	401.1 to 401.23	Designation of disposal agencies, etc.; disposition of proceeds; and compliance.
8501.21...	401.51	Assignment of surplus property.
8501.23...	401.52	Forms for declaration of surplus.
8501.27...	401.53	Approval of delegation to Department of State of authority to dispose of surplus aircraft.
8501.28...	401.54	Forms for reporting acquisition, disposal, and inventory of surplus personal property.
8501.61...	401.54	Postponement of responsibility of disposal agencies for care and handling of surplus personal property.
8501.62...	401.55	Cessation of declarations of real and personal property by owning agencies to disposal agencies.
8511.51...	401.101	Special accounts for refunds to purchasers.
8511.52...	401.102	Financial reports by disposal agencies.
8511.53...	401.103	Use of surplus property by disposal agencies.
8502.1 to 8502.21	402.1 to 402.21	Surplus personal property.
8521.52...	402.101	Disposal of explosives and related products.
8505.1 to 8505.30	403.1 to 403.30	Surplus real property.
8505.56...	403.51	Authorization to National Housing Agency to remove temporary housing.
8505.61...	403.52	Forms for reporting acquisition, disposal, and inventory of surplus nonindustrial real property.
8505.65...	403.53	Eligibility of public international organizations.
8505.66...	403.54	Disposal of chapels.
8517.1 to 8517.14	404.1 to 404.14	Stock piling of strategic and critical materials.
8517.51...	404.51	Report by Reconstruction Finance Corporation.
8517.54...	404.52	Disposition of bauxite.
8517.55...	404.53	Forms for reporting strategic materials.
8517.56...	404.54	Direct sale of copper and lead scrap by owning agencies outside the continental limits of the United States.

Chapter XXIV—Department of State, Disposal of Surplus Property

REARRANGEMENT OF TEXT AND RENUMBERING OF REGULATIONS

EDITORIAL NOTE: For the purpose of effecting a more logical arrangement of subject matter and more consistent system of numbering, Title 32, Chapter XXIV, of the Code of Federal Regulations is renumbered as follows under Title 44, Chapter V. Future amendments will conform to new designations.

Part 8508 (Disposal of surplus property located in foreign areas) is redesignated Part 508.

Codification of Part 8501 is discontinued. Future amendments to the material will be carried in the Notices section.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), §§ 203.70, 203.221, 203.241, 203.360, 203.365, 203.375, 203.376, 203.377, 203.433, 203.460, 203.470, 203.500, and 203.556 are hereby revoked, subparagraphs (a)-(1)-(9) of § 203.200 are hereby renumbered paragraphs (a)-(1), subparagraph (10)

being revoked, subparagraphs (a) (1)-(7) of § 203.670 are hereby renumbered paragraphs (a)-(g), and subparagraphs (a) (1)-(7) of § 203.675 are hereby renumbered paragraphs (a)-(g), paragraph (b) being revoked, and §§ 203.85, 203.115, 203.225, 203.227, 203.240, 203.245, 203.446, 203.555, 203.712, 203.714, and 203.770 are hereby amended, §§ 203.87, 203.89, and 203.560 are hereby prescribed, and certain changes are hereby made in cross-reference and other notes, as follows:

§ 203.85 *Sakonnet River, R. I.; State of Rhode Island Highway Bridge and New York, New Haven and Hartford Railroad Company bridge at Tiverton.* (a) The signal for opening the draw of each of these bridges shall be three short blasts of a whistle or horn. This signal shall be answered by one long blast of a whistle or horn on the bridge when the operation of opening is commenced, or, if the draw cannot be opened promptly, by three long blasts and in addition a red flag or ball by day and a red light by night shall be conspicuously displayed on the bridge.

(b) Except as otherwise provided in this section, the draws of the bridges shall be immediately opened, upon receiving the prescribed signal, at all times during the day or night for the passage of foreign vessels and "vessels of the United States" as defined in R. S. 4311 (46 U. S. C. 251) unable to pass under the closed draws.

(c) When a train which will entirely cross the railroad bridge before stopping has reached the distance signal of the bridge and is in motion toward the bridge, the train may continue across the bridge, but in no case, except as provided in paragraph (e) of this section, shall the opening of the bridge for a vessel be delayed more than four minutes after the signal is given.

(d) For all vessels or watercraft other than those described in paragraph (b) of this section which cannot pass the closed bridges, the draws shall, upon receiving the prescribed signal, be opened when two or more such vessels or other watercraft may be ready to pass through: *Provided*, That in no case shall the delay be more than 20 minutes.

(e) When the draw of either of the bridges shall have been open for 10 minutes or longer, it may be closed for the crossing of trains, cars, vehicles, or persons, if any be waiting to cross, and after being so closed for 10 minutes or for such shorter time as may be necessary for the trains, cars, vehicles, or persons to cross, it shall again be opened promptly for the passage of foreign vessels or "vessels of the United States," if there be any such desiring to pass. The length of time that a draw shall have been open shall be computed from the time that the drawspan is fully open, and the length of time that a draw has been closed shall be computed from the time that the drawspan ceases to move in closing.

(f) For every vessel that cannot pass the closed bridges the operation of the draw shall afford full horizontal and vertical clearance in the draw opening regardless of the size or requirements of the passing vessel.

(g) Trains, cars, vehicles, or persons shall not be stopped on any drawspan for the purpose of delaying the opening of the draw, nor shall any vessel or other watercraft be so handled or placed as to delay the opening or closing of any drawspan, but all passage over, under, or through a drawspan shall be prompt so as to reduce delays to water and land traffic to a minimum.

(h) The owner of or agency controlling each bridge shall maintain in good and efficient order the drawspan and the machinery and appliances for operating the same and for assisting vessels while passing through the draw. The owner of or agency controlling the bridge shall also provide and maintain at the drawspan such number of draw tenders or operators as may be necessary to open and close the same promptly; and shall also provide and maintain in good order on the bridge piers or fenders such fixtures as may be necessary to vessels in mooring or making fast while waiting for the drawspan to open.

§ 203.87 *Taunton River, Mass.; bridges.* (a) The signal for opening the draw of each of the drawbridges shall be three short blasts of a whistle or horn. This signal shall be answered by one long blast of a whistle or horn on the bridge when the operation of opening is commenced, or, if the draw cannot be opened promptly, by three long blasts and in addition a red flag or ball by day and a red light by night shall be conspicuously displayed on the bridge.

(b) Except as otherwise provided in this section, the draws of the bridges shall be immediately opened, upon receiving the prescribed signal, at all times during the day or night for the passage of foreign vessels and "vessels of the United States" as defined in R. S. 4311 (46 U. S. C. 251) unable to pass under the closed draws.

(c) When a train which will entirely cross a railroad bridge before stopping has reached the distance signal of the bridge and is in motion toward the bridge, the train may continue across the bridge, but in no case, except as provided in paragraph (f) of this section, shall the opening of the bridge for a vessel be delayed more than four minutes after the signal is given.

(d) Between 10:00 p. m. and 5:00 a. m. from May to October, inclusive, and between 6:00 p. m. and 6:00 a. m. from November to April, inclusive, the draw of the Bristol County highway bridge at Berkley shall be opened for the passage of all vessels which cannot pass the closed bridge upon notice given by telephone or otherwise to the operator at least 30 minutes in advance of the time the vessel desires to pass through the draw. The owner of or agency controlling the bridge shall provide arrangements whereby the draw tender can be reached by telephone or otherwise from the bridge, or through a public telephone exchange, and notice of such arrangements shall be kept conspicuously posted on the bridge.

(e) For all vessels or watercraft other than those described in paragraph (b) of this section which cannot pass the closed bridges, the draws shall, upon re-

ceiving the prescribed signal, be opened when two or more such vessels or other watercraft may be ready to pass through: *Provided*, That in no case shall the delay be more than 20 minutes.

(f) When the draw of any of the bridges shall have been open for 10 minutes or longer, it may be closed for the crossing of trains, cars, vehicles, or persons, if any be waiting to cross, and after being so closed for 10 minutes or for such shorter time as may be necessary for the trains, cars, vehicles, or persons to cross, it shall again be opened promptly for the passage of foreign vessels or "vessels of the United States," if there be any such desiring to pass. The length of time that a draw shall have been open shall be computed from the time that the drawspan is fully open, and the length of time that a draw has been closed shall be computed from the time that the drawspan ceases to move in closing.

(g) For every vessel that cannot pass the closed bridges the operation of the draw shall afford full horizontal and vertical clearance in the draw opening regardless of the size or requirements of the passing vessel.

(h) Trains, cars, vehicles, or persons shall not be stopped on any drawspan for the purpose of delaying the opening of the draw, nor shall any vessel or other watercraft be so handled or placed as to delay the opening or closing of any drawspan, but all passage over, under, or through a drawspan shall be prompt so as to reduce delays to water and land traffic to a minimum.

(i) The owner of or agency controlling each bridge shall maintain in good and efficient order the drawspan and the machinery and appliances for operating the same and for assisting vessels while passing through the draw. The owner of or agency controlling the bridge shall also provide and maintain at the drawspan such number of draw tenders or operators as may be necessary to open and close the same promptly; and shall also provide and maintain in good order on the bridge piers or fenders such fixtures as may be necessary to vessels in mooring or making fast while waiting for the drawspan to open.

§ 203.89 *Seekonk (Pawtucket) River, Providence, R. I.; bridges.* (a) The signal for opening the draw of each of the drawbridges shall be three short blasts of a whistle or horn. This signal shall be answered by one long blast of a whistle or horn on the bridge when the operation of opening is commenced, or, if the draw cannot be opened promptly, by three long blasts and in addition a red flag or ball by day and a red light by night shall be conspicuously displayed on the bridge.

(b) Except as otherwise provided in this section, the draws of the bridges shall be immediately opened, upon receiving the prescribed signal, at all times during the day or night for the passage of foreign vessels and "vessels of the United States" as defined in R. S. 4311 (46 U. S. C. 251) unable to pass under the closed draws.

(c) When a train which will entirely cross a railroad bridge before stopping has reached the distance signal of the bridge and is in motion toward the bridge,

the train may continue across the bridge, but in no case, except as provided in paragraph (f) of this section, shall the opening of the bridge for a vessel be delayed more than four minutes after the signal is given.

(d) Between 7:00 a. m. and 9:00 a. m. and between 4:00 p. m. and 6:00 p. m. daily the draws of the highway bridges (Washington Bridge and Red Bridge) shall be closed to all vessels except those drawing 10 feet or more of water at the time.

(e) For all vessels or watercraft other than those described in paragraph (b) of this section which cannot pass the closed bridges, the draws shall, upon receiving the prescribed signal, be opened when two or more such vessels or other watercraft may be ready to pass through: *Provided*, That in no case shall the delay be more than 20 minutes.

(f) When the draw of any of the bridges shall have been open for 10 minutes or longer, it may be closed for the crossing of trains, cars, vehicles, or persons, if any be waiting to cross, and after being so closed for 10 minutes or for such shorter time as may be necessary for the trains, cars, vehicles, or persons to cross, it shall again be opened promptly for the passage of foreign vessels or "vessels of the United States," if there be any such desiring to pass. The length of time that a draw shall have been open shall be computed from the time that the drawspan is fully open, and the length of time that a draw has been closed shall be computed from the time that the drawspan ceases to move in closing.

(g) For every vessel that cannot pass the closed bridges the operation of the draw shall afford full horizontal and vertical clearance in the draw opening regardless of the size or requirements of the passing vessel.

(h) Trains, cars, vehicles, or persons shall not be stopped on any drawspan for the purpose of delaying the opening of the draw, nor shall any vessel or other watercraft be so handled or placed as to delay the opening or closing of any drawspan, but all passage over, under or through a drawspan shall be prompt so as to reduce delays to water and land traffic to a minimum.

(i) The owner of or agency controlling each bridge shall maintain in good and efficient order the drawspan and the machinery and appliances for operating the same and for assisting vessels while passing through the draw. The owner of or agency controlling the bridge shall also provide and maintain at the drawspan such number of draw tenders or operators as may be necessary to open and close the same promptly; and shall also provide and maintain in good order on the bridge piers or fenders such fixtures as may be necessary to vessels in mooring or making fast while waiting for the drawspan to open.

§ 203.115 *Connecticut River, Conn.; bridges.* (a) The signal for opening the draw of each of the drawbridges shall be one long blast (of about five seconds' duration) of a whistle or horn. This signal shall be answered by one long blast of a whistle or horn on the bridge when

the operation of opening is commenced, or, if the draw cannot be opened promptly, by a series of not less than four short, sharp blasts (each of not more than one second's duration) and in addition a red flag or ball by day and a red light by night shall be conspicuously displayed on the bridge.

(e) [Revoked.] * * *
Inland Waterway from Delaware River to Chesapeake Bay, Del. and Md. See § 207.100. (Eliminated and inserted preceding § 203.240.)

§ 203.225 *Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.* (a) The owners of or agencies controlling the bridges listed in paragraph (f) of this section will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, advance notice, as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

Passaic River; Passaic and Bergen Counties highway bridge at West Eighth Street, Passaic. At least 24 hours' advance notice required.

Shrewsbury River (South Branch) at junction of Parker Creek and Oceanport Creek; Monmouth County Gooseneck Highway Bridge. During the period from November 1 to April 30, inclusive, at least four hours' advance notice required. At all other times the regulations contained in § 203.215 shall govern the operation of this bridge.

Oceanport Creek; New York and Long Branch Railroad Company bridge near Oceanport. At least four hours' advance notice required.

Tuckahoe River; New Jersey State Highway Department bridge at Tuckahoe. At least 24 hours' advance notice required.

Maurice River; New Jersey State Highway Department bridge at Main Street, Millville. At least 24 hours' advance notice required.

Manantico Creek; New Jersey State Highway Department bridge near Millville. At least 12 hours' advance notice required.

Cohansey River; New Jersey State Highway Department bridge at Broad Street, Bridge-

ton. At least 24 hours' advance notice required.

Alloway Creek; New Jersey State Highway Department bridge at Quinton. At least 24 hours' advance notice required.

Oldmans Creek; New Jersey State Highway Department bridge near Nortonville and Pennsylvania-Reading Seashore Lines railroad bridge near Pedricktown. At least 24 hours' advance notice required.

§ 203.227 *Delaware and Schuylkill Rivers, N. J. and Pa., in vicinity of Philadelphia and Bristol; bridges—(a) Signals.* When at any time during the day or night any vessel, tug, or other watercraft unable to pass under a closed drawbridge approaches it with the intention of passing through the draw, the signal for the draw to be opened shall be three blasts of a whistle or horn blown on the vessel or craft. If the draw is ready to be opened immediately when the signal is given on the vessel or craft, the signal shall be answered by two blasts of a whistle or horn blown on the bridge; if the draw is not ready to be opened immediately, the signal shall be answered by one blast of a whistle or horn blown on the bridge.

(b) *Opening the draw.* Upon hearing or perceiving the prescribed signal, the bridge tender shall immediately clear the drawspan and open the draw to its full extent for the passage of the vessel or other craft: *Provided*: That the draw of a railroad bridge need not be opened when there is a train in the bridge block approaching the bridge with the intention of crossing, nor within five minutes of the known time of passage of a scheduled passenger, mail, or express train; but in no event, except in case of breakdown of the operating machinery, shall the opening of the draw be delayed more than five minutes in the case of a highway bridge nor more than 10 minutes in the case of a railroad bridge: *And Provided further*: That the draw need not be opened for the passage of a tug or other craft equipped with a movable stack or mast which can readily be lowered so as to permit its passage under the closed draw, unless such craft has in tow a vessel which is unable to pass under the closed draw or by reason of stress of weather it is unsafe to lower such stack or mast.

(c) *Interference with operation.* Vehicles, streetcars, locomotives, and trains shall not be stopped on the drawspans, nor shall locomotives or trains be stopped in the bridge blocks of railroad bridges in such manner as to delay the operation of the draw, except in case of urgent necessity, nor shall vessels be moored to the bridge fenders or so maneuvered as to unnecessarily hinder or delay the closing of the draw, but all passages over, through, or under the bridges shall be prompt, to avoid delay to either land or water traffic.

(d) *Hinged stacks and masts.* Each tug, towboat, barge, and other small craft regularly and habitually navigating the Schuylkill River shall be subject to inspection and measurement by the District Engineer, Corps of Engineers, to determine the exact height above the water surface of its pilot or deckhouses when such vessel is in its ordinary trim; and the District Engineer is hereby empow-

cred to decide in each case whether or not the vessel shall be equipped with hinged or removable stacks, masts, and flagpoles which can be lowered to enable the vessel to pass under the closed draw of any or all of the bridges. If the District Engineer decides that such action should be taken, he shall notify the vessel owner and the bridge owner of his decision, specifying a reasonable time for making the alterations; and after the expiration of the time specified the draw need not be opened for the passage of such vessel unless it has in tow a vessel unable to pass under the closed draw or by reason of stress of weather it is unsafe to lower such stack or mast.

(e) *Operating machinery.* All drawbridges shall be equipped with adequate, quick-operating power machinery for opening and closing the draw, and this machinery shall at all times be kept in good and effective working condition and manned by competent operators.

(f) *Clearance gages.* The owners of each bridge shall provide and keep in good legible condition two board gages, painted white with black figures not less than six inches high, to indicate the headroom clearance under the closed span at all stages of the tide. These gages shall be so placed on the ends of the drawspan fenders that they will be plainly visible to the navigator of a vessel approaching the bridge either upstream or downstream.

Inland Waterway from Delaware River to Chesapeake Bay, Del. and Md. (Chesapeake and Delaware Canal). See § 207.100.

§ 203.240 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico (including the Lower Atchafalaya River, La.), except the Mississippi and its tributaries and outlets; bridges.* (a) * * *

NOTE: The special regulations contained in §§ 203.245 to 203.540 prescribed where local conditions require to govern the operation of certain bridges, supplement the general regulations contained in § 203.240.

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* (a) The owners of or agencies controlling the bridges listed in paragraph (f) of this section will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, advance notice, as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and

downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain the machinery is in proper order for satisfactory operation.

(f) The bridges to which this section applies, and the special regulations applicable in each case, are as follows:

Bush River, Md.: Pennsylvania Railroad Company bridge at Bush River. From October 1 to May 31, inclusive, and between 7:00 p. m. and 10:00 a. m. from June 1 to September 30, inclusive, at least three hours' advance notice required. Between 10:00 a. m. and 7:00 p. m. from June 1 to September 30, inclusive, the regulations contained in section 203.240 shall govern the operation of this bridge.

Chester River, Md.: Maryland State Roads Commission bridge at Crumpton. Between sunrise and sunset from November 1 to March 31, inclusive, at least six hours' advance notice required. Between sunset and sunrise during this period the draw need not be opened for the passage of vessels. From April 1 to October 31, inclusive, the regulations contained in § 203.240 shall govern the operation of this bridge.

Dorsey's (College) Creek, Md.: bridges of the Maryland State Roads Commission and the Baltimore and Annapolis Railroad Company at Annapolis. At least five hours' advance notice required.

Hunting Creek, Md.: bridge of the County Commissioners of Caroline and Dorchester Counties near Choptank. At least 24 hours' advance notice required.

Marshyhope Creek, Md.: Maryland State Roads Commission bridge at Brookview. Between sunrise and sunset, at least six hours' advance notice required. Between sunset and sunrise the draw need not be opened for the passage of vessels.

Pocomoke River, Md.: Maryland State Roads Commission bridge at Snow Hill. At least five hours' advance notice required.

Onancock River, Warrington Branch, Va.: highway bridge at Onancock. At least three hours' advance notice required.

Cat Point Creek, Va.: Virginia Department of Highways bridge near Warsaw. At least four hours' advance notice required.

Elizabeth River, Western Branch, Va.: Virginia Department of Highways bridge at Hodges Ferry. At least eight hours' advance notice required.

Baines Creek, Va.: Atlantic Coast Line Railroad Company bridge at Portsmouth. At least 24 hours' advance notice required.

Nansemond River, Western Branch, Va.: Virginia Department of Highways bridge at Reids Ferry. At least eight hours' advance notice required.

Appomattox River, Va.: Seaboard Air Line Railroad Company bridge near Hopewell. Between 6:00 p. m. and 6:00 a. m., at least 30 minutes advance notice required. Between 6:00 a. m. and 6:00 p. m. the regulations contained in § 203.240 shall govern the operation of this bridge.

Scuppernon River, N. C.: North Carolina State Highway and Public Works Commission bridge at Creswell. At least 24 hours' advance notice required.

Pungo River, N. C.: North Carolina State Highway and Public Works Commission bridge at Leechville. At least 24 hours' advance notice required.

Pungo Creek, N. C.: North Carolina State Highway and Public Works Commission

bridge near Ransomville. At least 24 hours' advance notice required.

South Creek, N. C.: bridge of North Carolina State Highway and Public Works Commission at Aurora and Atlantic Coast Line Railroad Company at Royal. At least 24 hours' advance notice required.

Bath Creek, N. C.: North Carolina State Highway and Public Works Commission bridge at Bath. At least 24 hours' advance notice required.

Tar River, N. C.: Atlantic Coast Line Railroad Company bridge at Greenville, and drawbridges upstream therefrom. At least 24 hours' advance notice required.

Neuse River, N. C.: North Carolina State Highway and Public Works Commission bridge at Maple Cypress Landing (Fort Barnwell). At least 12 hours' advance notice required.

Neuse River, N. C.: drawbridges upstream from North Carolina State Highway and Public Works Commission bridge at Maple Cypress Landing (Fort Barnwell). At least 24 hours' advance notice required.

Trent River, N. C.: Atlantic Coast Line Railroad Company bridge at Pollockville, and drawbridges upstream therefrom. At least 24 hours' advance notice required.

Brices Creek, N. C.: North Carolina State Highway and Public Works Commission bridge near James City. At least 24 hours' advance notice required.

Contentnea Creek, N. C.: Atlantic Coast Line Railroad Company bridge at Grifton. At least 24 hours' advance notice required.

Pee Dee River, S. C.: South Carolina State Highway Department bridge near Georgetown (Pee Dee River drawspan of the Lafayette Bridge). At least 12 hours' advance notice required.

Pee Dee River, S. C.: Seaboard Air Line Railway Company bridge at Poston. At least 24 hours' advance notice required.

Black River, S. C.: South Carolina State Highway Department bridge near Georgetown. At least 12 hours' advance notice required. The owner of or agency controlling the bridge shall arrange for its representative to be reached at the same place that the representative for the Lafayette Bridge may be reached in order that one notice may suffice to secure the prompt opening of both bridges.

Santee and Congaree Rivers, S. C.: drawbridges upstream from South Carolina State Highway Department bridge near Lanes. At least 24 hours' advance notice required.

Cooper River, S. C.: Seaboard Air Line Railway Company bridge near Codesville. At least 24 hours' advance notice required: *Provided*, That a draw tender shall be placed in constant attendance on 10 days' notice in writing from the District Engineer, Corps of Engineers.

Church Creek, S. C.: South Carolina State Highway Department bridge between Johns Island and Wadmalaw Island. At least 24 hours' advance notice required.

Edisto River, S. C.: Seaboard Air Line Railway Company bridge near Fenwick. At least 24 hours' advance notice required.

Ashepoo River, S. C.: South Carolina State Highway Department bridge at Brickyard Ferry near Bennetts Point. At least 24 hours' advance notice required. Any vessel navigating Ashepoo River with the intention of making repeated trips shall notify the authorized representative of the owner of or agency controlling the bridge of the expected frequency of such trips. The bridge shall then be maintained in readiness to open promptly upon signal from the vessel without any further notice. Repeated trips shall be understood to mean trips not more than 24 hours' apart.

Ashepoo River, S. C.: Seaboard Air Line Railway Company bridge near Fenwick. At least 96 hours' advance notice required: *Provided*, That a draw tender shall be placed in constant attendance on 10 days' notice in

writing from the District Engineer, Corps of Engineers.

Combahee River, S. C.; bridges of Seaboard Air Line Railway Company near Wiggins and South Carolina State Highway Department near Sheldon. At least 12 hours' advance notice required.

North Wimbee Creek, S. C.; Seaboard Air Line Railway Company bridge near Lobeco. At least 24 hours' advance notice required.

Harbor River, a tidal estuary in St. Helena Sound, S. C.; South Carolina State Highway Department bridge on State Highway No. 285 at Hunting Island. At least 24 hours' advance notice required.

Battery Creek, S. C.; South Carolina State Highway Department bridge between Beaufort and Parris Island. At least 24 hours' advance notice required.

Broad River, S. C.; Seaboard Air Line Railway Company bridge near Whale Branch. At least 24 hours' advance notice required.

Richardson's Creek, Ga.; Chatham County highway bridge connecting Oatland Island and Whitemarsh Island near Thunderbolt. At least 24 hours' advance notice required.

Ogeechee River, Ga.; all drawbridges. At least 24 hours' advance notice required.

Altamaha River, Oconee River, and Ocmulgee River, Ga.; all drawbridges. At least 24 hours' advance notice required.

Broward River (Cedar Creek) and Clapboard Creek, Fla.; bridges on Heckscher Drive. At least 12 hours' advance notice required.

St. Johns River, Fla.; Florida East Coast Railway Company bridge at Cook's Ferry. At least eight hours' advance notice required.

Kissimmee River, Fla.; Seaboard Air Line Railway Company bridge near Fort Bassenger. At least 24 hours' advance notice required.

Caloosahatchee Canal, Fla.; Atlantic Coast Line Railroad Company bridge at Moore Haven. Between 10:00 p. m. and 6:00 a. m., the draw need not be opened for the passage of vessels. Between 6:00 a. m. and 10:00 p. m., the regulations in section 203.240 shall govern the operation of this bridge.

Orange River, Fla.; State Road Department of Florida bridge one mile above mouth near Fort Myers. At least 24 hours' advance notice required, except during a hurricane alert issued by the United States Weather Bureau affecting the area of the Caloosahatchee and Orange Rivers when a draw tender shall be constantly on duty and the bridge opened at any time for the passage of vessels giving the usual signal.

Miakka River, Fla.; highway and railroad drawbridges near Charlotte Beach. At least 36 hours' advance notice required.

Lemon Bay, Fla.; highway drawbridge near drawbridges near Charlotte Beach. At least 36 hours' advance notice required.

Palm River (Sixmile Creek), a tributary of McKay Bay near Tampa, Fla.; Atlantic Coast Line Railroad bridge about one mile above mouth. At least 12 hours' advance notice required. When such notice is given, the owner of or agency controlling the bridge shall keep a draw tender in constant attendance for a period of one hour beginning at the time of high tide at reference station Tampa, as published by the United States Coast and Geodetic Survey, occurring at any time between sunrise and sunset at latitude 28° north, as published by the United States Hydrographic Office. When a draw tender is in attendance at the bridge during such period, the bridge shall be opened for any vessel desiring passage whether or not it has given advance notice.

Coffee Pot Bayou, St. Petersburg, Fla.; highway bridge at foot of Poplar Street. At least one hour's advance notice required.

Suwannee River, Fla.; Atlantic Coast Line Railroad Company bridge at Old Town. At least five days' advance notice required.

Apalachicola River, Fla.; Louisville and Nashville Railroad Company bridge at River Junction. At least 24 hours' advance notice

required: *Provided*, That operators shall be placed in attendance on the bridge when the stage of the river rises to 14 feet on the gage, and they shall be maintained thereon for the duration of all stages above 14 feet.

Flint River, Ga.; bridges of Seaboard Air Line Railway Company and Atlantic Coast Line Railroad Company at Bainbridge. At least 24 hours' advance notice required.

Chattahoochee River, Ga. and Ala.; bridges of Atlantic Coast Line Railroad Company at Alaga, Ala., Central of Georgia Railroad Company at Columbia, Ala., and Seaboard Air Line Railway Company near Omaha, Ga. At least six hours' advance notice required.

Choctawhatchee River, Fla.; State Road Department of Florida bridge on State Road No. 10 approximately 14 miles east of Freeport. At least 12 hours' advance notice required.

Three Mile Creek, Ala.; State of Alabama Highway Department bridge at Mobile. At least 12 hours' advance notice required.

Cocosa River, Ala.; Seaboard Air Line Railway Company bridge at Lock. At least 24 hours' advance notice required.

Cocosa River, Ala.; Louisville and Nashville Railroad Company bridge at Gadsden. At least six hours' advance notice required.

West Pearl River, La.; New Orleans and Northeastern Railroad Company bridge at Pearl River Station. At least six hours' advance notice required.

Bayou Lacombe, La.; Louisiana Department of Highways bridge at Lacombe. At least 48 hours' advance notice required.

Bayou Collyell, La.; Louisiana Department of Highways bridge near Port Vincent. At least 48 hours' advance notice required.

Bayou Lafourche, La.; Texas and New Orleans Railroad Company bridge at Lafourche. Between 5:00 p. m. and 8:00 a. m., at least 12 hours' advance notice required. Between 8:00 a. m. and 5:00 p. m. the regulations contained in section 203.240 shall govern the operation of this bridge.

Bayou Lafourche, La.; Louisiana Department of Highways bridge at Labadieville. At least 48 hours' advance notice required.

Bayou Lafourche, La.; bridges of Louisiana Department of Highways and Texas and Pacific Railroad Company near Napoleonville. At least 24 hours' advance notice required.

Bayou Black, La.; Morgan's Louisiana and Texas Railroad and Steamship Company bridge at Southdown. At least 24 hours' advance notice required.

Bayou Grosse Tete, La.; The Texas and Pacific Railroad Company bridge at Grosse Tete, and Louisiana Department of Highways bridge near Rosedale. At least 48 hours' advance notice required.

Bayou Teche, La.; Louisiana Department of Highways bridges at Ruth and at Breau Bridge. At least 48 hours' advance notice required.

Bayou Teche, La.; Morgan's Louisiana and Texas Railroad and Steamship Company bridge at Breau Bridge. At least 24 hours' advance notice required.

Stumpy Bayou, La.; Louisiana Department of Highways bridge near Weeks Island. At least six days' advance notice required.

Vermilion River, La.; Louisiana Department of Highways bridge near Lafayette. At least 48 hours' advance notice required.

Bayou Des Cannes, La.; Louisiana Department of Highways bridge near Evangeline. At least 48 hours' advance notice required.

Bayou Plaquemine Brule, La.; Texas and New Orleans Railroad Company bridge near Midland. At least 24 hours' advance notice required.

Bayou Nezpique, La.; Louisiana Department of Highways bridge near Jennings. At least 48 hours' advance notice required.

Bayou Choupique, La.; bridges of Louisiana Department of Highways near Calcasieu. At least 48 hours' advance notice required.

Bayou D'Inde, La.; Louisiana Department of Highways bridge. At least 48 hours' advance notice required.

Bayou D'Inde, La.; railroad bridge of Defense Plant Corporation, Cities Service Refining Corporation, Agent. At least 72 hours' advance notice required.

Contraband Bayou, La.; Police Jury of Calcasieu Parish highway bridge near Lake Charles. At least six hours' advance notice required.

Houston River, La.; Kansas City Southern Railway Company bridge near Lake Charles. At least 24 hours' advance notice required.

English Bayou, La.; Louisiana Department of Highways bridge near Lake Charles. At least 48 hours' advance notice required.

Sabine River, La. and Tex.; Texarkana and Fort Smith Railway Company bridge near Ruliff, Tex., and highway bridge between Starks, La., and Deweyville, Tex. At least 24 hours' advance notice required.

Cow Bayou, Tex.; Orange County highway bridges 7 and 17 miles, respectively, above the mouth near Orangefield. At least six hours' advance notice required.

Brays Bayou, Tex.; Harris County highway bridge at Broadway, Harrisburg. At least 12 hours' advance notice required.

Brazos River, Tex.; combination highway and railroad bridge between Freeport and Velasco. At least 24 hours' advance notice required.

Brazos River Diversion Channel, Tex.; highway bridge near Freeport. At least 12 hours' advance notice required.

§ 203.446. *New River; highway bridge at S. E. Sixth Avenue, Fort Lauderdale, Fla.* (a) During the period December 1 to April 30, both dates inclusive, the owner of or agency controlling this bridge will not be required to open the drawspan between the hours of 11:00 a. m. and 6:30 p. m., except on the hour and half-hour when the bridge shall be opened to allow all accumulated vessels to pass; *Provided*, That between the hours of 4:00 p. m. and 5:00 p. m. the drawspan shall be opened on the hour, half-hour, and quarter-hour to allow all accumulated vessels to pass.

(b) The draw shall be opened at any time to allow the passage of a tow or vessel in distress.

(c) The owner or agency controlling the bridge shall place a clock on each side of the drawspan at such location and of sufficient size to be seen at day or night by craft within 300 feet of the bridge. The time of opening shall be governed by this clock.

(d) The owner or agency controlling the bridge shall place signs, of a size and description designated by the District Engineer, at each side of the bridge and at intervals of $\frac{1}{2}$, 1, $1\frac{1}{2}$, and 2 miles above and below the bridge.

§ 203.555. *Mississippi River and its navigable tributaries and outlets, including the Atchafalaya River, La., above Grand Lake; bridges.* * * *

NOTE: The special regulations contained in §§ 203.560 to 203.635, inclusive, and § 203.665, prescribed where local conditions require to govern the operation of certain bridges, supplement the general regulations contained in § 203.555.

§ 203.560. *Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* (a) The owners of or agencies controlling the bridges listed in paragraph (f) of this section will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel unable to pass under a closed bridge desires to pass

through the draw, advance notice, as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(f) The bridges to which this section applies, and the special regulations applicable in each case, are as follows:

Tante Phine Pass, La.; Tide Water Associated Oil Company bridge near Venice. At least 24 hours' advance notice required.

Red River, La.; State of Louisiana Department of Highways bridge at Moncla. At least 48 hours' advance notice required.

Red River, La.; bridges of Louisiana and Arkansas Railway Company, Rapides Parish (highway), and Missouri Pacific Railroad Company at Alexandria. At least four hours' advance notice required.

Red River, La.; State of Louisiana Department of Highways bridges at Boyce, Grand Ecure, and Coushatta. At least 48 hours' advance notice required.

Red River, Ark.; Missouri Pacific Railroad Company bridge at Fulton. At least 24 hours' advance notice required.

Caddo Lake, La.; bridge of Kansas City, Shreveport and Gulf Railway Company, operated by Kansas City Southern Railway Company, near Mooringsport. At least 24 hours' advance notice required.

Tensas River, La.; State of Louisiana Department of Highways bridges at Clayton and near New Light. At least 48 hours' advance notice required.

Macon Bayou, La.; State of Louisiana Department of Highways bridge near Winnaboro. At least 48 hours' advance notice required.

Boeuf River, La.; State of Louisiana Department of Highways bridge near Macon. At least 48 hours' advance notice required.

Ouachita River, Ark.; St. Louis Southwestern Railway Lines bridge near Camden. At least 48 hours' advance notice required.

Yazoo River, Miss.; Columbus and Greenville Railroad Company bridge at Fort Loring. At least four hours' advance notice required.

Big Sunflower River, Miss.; Columbus and Greenville Railroad Company bridge near Baird. At least four hours' advance notice required.

Black River, Ark.; Missouri Pacific Railroad Company bridge at Paroquet. At least 24 hours' advance notice required; to be given to the station agent of the Missouri Pacific Railroad Company at Newport, Arkansas, or to the draw tender on duty at the bridge. Whenever any vessel passing through the bridge intends to return through it within 24 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of

the vessel on the return trip without any further notice.

Missouri River, Neb. and Iowa; Dakota County bridge between Sioux City, Iowa, and South Sioux City, Neb. At least two hours' advance notice required.

Missouri River, S. D.; Chicago and North Western Railroad Company bridge at Pierre. At least four hours' advance notice required.

Osage River, Mo.; bridges of Missouri Pacific Railroad Company and Missouri State Highway Department near Osage City. At least 24 hours' advance notice required.

Wisconsin River, Wis.; all drawbridges. At least 48 hours' advance notice required.

Black River, Wis.; Chicago, Milwaukee, St. Paul and Pacific Railroad Company bridge at La Crosse. At least two hours' advance notice required.

Black River, Wis.; Wisconsin State Highway Commission bridge at North La Crosse. At least 24 hours' advance notice required.

§ 203.640 * * *
Duluth-Superior Harbor, Minn. and Wis. See § 207.400.

Keweenaw Waterway, Mich. See § 207.410 [Eliminated.]

§ 203.642 * * *

§ 203.712 Tributaries of San Francisco Bay and San Pablo Bay, Calif.—

(a) Mud Slough; Southern Pacific Company railroad bridge near Alviso. At least 24 hours' advance notice required.

(b) Newark Slough; Southern Pacific Company railroad bridge near Newark. At least 24 hours' advance notice required. To be given to the Superintendent, Southern Pacific Company, Oakland Pier, Oakland, California.

(c) San Leandro Bay; State of California highway bridge between Alameda and Bayfarm Island. From 9:00 p. m. to 5:00 a. m. daily, the draw need not be opened for the passage of vessels.

(d) Oakland Tidal Canal; Department of the Army highway and railroad bridge at Fruitvale Avenue. All vessels, except motorboats without tow, are forbidden to approach within 300 feet of this bridge for the purpose of eventual passage through the draw except during slack water or when opposing the tidal flow. Vessels and barges shall not attempt passage through the draw while running with the tide, and the bridge will not be opened for vessels under such conditions.

(e) Corte Madera Creek; Northwestern Pacific Railroad Company bridge and State of California highway bridge near Corte Madera. At least 24 hours' advance notice required.

(f) Novato Creek; State of California highway bridge near Ignacio. At least 24 hours' advance notice required.

(g) Petaluma Creek—(1) Northwestern Pacific Railroad Company bridge at Black Point. The owner of or agency controlling this bridge need not keep a draw tender in constant attendance except when the draw is closed for the passage of railroad traffic. At all other times the draw may remain in full open position and unattended. During foggy weather a bell shall be tolled continuously when the draw is in open position.

(2) City of Petaluma highway bridge at Washington Street, Petaluma. At least six hours' advance notice required. To be given to the operator of the "D" Street Bridge, telephone Petaluma 191-R.

(h) Sonoma Creek—(1) State of California highway bridge (Sears Point Cutoff Bridge). At least four hours' advance notice required. To be given to the operator of the State of California highway bridge (Sears Point Cutoff Bridge) across Napa River at Vallejo.

(2) Northwestern Pacific Railroad Company bridge at Wingo. At least 24 hours' advance notice required.

(i) Mare Island Strait, Napa River, and their tributaries—(1) Department of the Navy bridge (Mare Island Causeway) and State of California highway bridge (Sears Point Cutoff Bridge) at Vallejo. From 7:00 a. m. to 8:00 a. m. and from 4:00 p. m. to 5:00 p. m. daily, except Saturdays, Sundays, and holidays, the draws need not be opened for the passage of vessels other than vessels owned, operated, or controlled by the United States.

(2) Southern Pacific Company railroad bridge at Brazos. The owner of or agency controlling this bridge need not keep a draw tender in constant attendance except when the draw is closed for the passage of railroad traffic. At all other times the draw may remain in full open position and unattended. During foggy weather a bell shall be tolled continuously when the draw is in open position.

(3) Dutchman Slough; James Irvine Bridge. At least 24 hours' advance notice required.

(4) Devil Slough; Russ Investment Company highway bridge. At least 24 hours' advance notice required.

§ 203.714 San Joaquin River and its tributaries, Calif.—(a) San Joaquin River—(1) Stockton Port District railroad bridge between Rough and Ready Island and Stockton. At least 12 hours' advance notice required. To be given to the Director of the Port, Stockton Port District, Stockton, California.

(2) San Joaquin County highway bridge between Rough and Ready Island and Stockton. At least 12 hours' advance notice required. To be given to the San Joaquin County Highway Department or to the County Surveyor at Stockton, California.

(3) Atchison, Topeka and Santa Fe Railway Company bridge near Stockton. At least 12 hours' advance notice required. To be given to the bridge owner's agent at Stockton, California.

(4) State of California highway bridge (Garwood Bridge). At least 12 hours' advance notice required. To be given to the Division of Highways Maintenance Superintendent, 1200 Wilson Way, Stockton, California.

(5) San Joaquin County highway bridge (Brandt Bridge). At least 12 hours' advance notice required. To be given to the County Surveyor of San Joaquin County, Stockton, California.

(6) Southern Pacific Company railroad bridge, State of California highway bridges (Mossdale Bridges), and Western Pacific Railroad Company bridge, near Lathrop. (i) The signal for opening at once all four of these bridges shall be the call signal described in § 203.710 (b) (1). The signal for opening certain of these bridges, and those bridges only, shall be as follows: For the

Southern Pacific Company railroad bridge, two long blasts followed by one short blast; for the highway bridges, two short blasts followed by one long blast; and for the Western Pacific Railroad Company bridge, one long blast followed by one short blast and one long blast.

NOTE: As used in these special regulations, the term "long blasts" means distinct blasts of a whistle or horn or calls through a megaphone of four seconds' duration, and the term "short blasts" means distinct blasts of a whistle or horn or calls through a megaphone of one second's duration.

(ii) For upstream passages through these bridges, except as provided in subparagraph (iii), at least 24 hours' advance notice required. To be given to the Chief Dispatcher of the Southern Pacific Company at Stockton, California, to the Highway Maintenance Superintendent of the Division of Highways, State of California, at Stockton, California, and to the Chief Dispatcher of the Western Pacific Railroad Company at Sacramento, California. For downstream passages through these bridges, the vessel operators shall notify the individual draw tenders at the time the upstream passages are being made.

(iii) During sand dredging seasons, when, in the opinion of the District Engineer, Corps of Engineers, the attendance of draw tenders is required between 8:30 a. m. and 4:30 p. m. from Monday to Saturday, inclusive, these bridges shall, on proper signal, be opened promptly for the passage of all vessels unable to pass under the closed bridges. Prompt opening between 8:30 a. m. and 4:30 p. m. without advance notice from Monday to Saturday, inclusive, will be directed by the District Engineer provided the operators of sand dredging barges give 15 days' written notice to him and at the same time furnish sufficient evidence that such openings without advance notice are necessary to take care of contemplated traffic.

(7) *Drawbridges above Paradise Dam.* At least seven days' advance notice required.

(a) *Burns Cutoff; San Joaquin County highway bridges (Jacobs Road and Upper Highway Bridges) between Roberts Island and Rough and Ready Island.* At least two days' advance notice required. To be given to the County Surveyor of San Joaquin County, Stockton, California.

(c) *Middle River—(1) Atchison, Topeka and Santa Fe Railway Company bridge.* The signal for opening this bridge shall be two long blasts followed by one short blast.

(2) *State of California highway bridge between Victoria Island and Drexler Tract.* At least 12 hours' advance notice required. To be given to the Division of Highways Maintenance Superintendent, 1200 Wilson Way, Stockton, California.

(3) *San Joaquin County highway bridge between Union Island and Drexler Tract, at Fish Camp Landing.* At least 24 hours' advance notice required. To be given to the County Surveyor of San Joaquin County, Stockton, California.

(4) *San Joaquin County highway bridge (Williams Bridge) between Union Island and Roberts Island.* At least two days' advance notice required. To be

given to the County Surveyor of San Joaquin County, Stockton, California.

(d) *Mormon Channel; City of Stockton highway bridge (Washington Street Bridge), Atchison, Topeka and Santa Fe Railway Company bridge (Edison Street Bridge), and City of Stockton (Lincoln Street Bridge).* (1) The signal for opening at once all three of these bridges shall be the call signal described in § 203.710 (b) (1). The signal for opening any one of these bridges, and that bridge only, shall be as follows: For the Washington Street Bridge, two long blasts followed by one short blast; for the Edison Street Bridge, two short blasts followed by one long blast; and for the Lincoln Street Bridge, one long blast followed by one short blast and one long blast.

(2) At least 12 hours' advance notice required. To be given to the representative of the City of Stockton and to the railway company's agent at Stockton, California.

(e) *King Island Cut; San Joaquin County highway bridge between King Island and Bishop Tract.* At least 12 hours' advance notice required. To be given to the San Joaquin County Highway Department or to the County Surveyor at Stockton, California.

(f) *Honker Cut; San Joaquin County highway bridge between Empire Tract and King Island.* The owner of or agency controlling this bridge shall keep a draw tender in constant attendance from September to November, inclusive, during such other periods as crop movements may justify, and during periods when, in the opinion of the District Engineer, an emergency exists. In the event that the crop moving season is started earlier than September 1 or is extended later than November 30, the period for prompt opening of the bridge on proper signal shall be adjusted accordingly, provided the operators of vessels navigating this waterway give 15 days' written notice to the San Joaquin County Highway Department or to the County Surveyor at Stockton, California, that such an adjustment is necessary to take care of contemplated traffic. At all other times, at least 12 hours' advance notice required. To be given to the San Joaquin County Highway Department or to the County Surveyor at Stockton, California.

(g) *Little Potato Slough; State of California highway bridge at Terminous.* (1) The owner of or agency controlling this bridge shall keep a draw tender in constant attendance: (i) From 8:00 a. m. to 5:00 p. m. during the months of July to September, inclusive.

(ii) During periods when, in the opinion of the District Engineer, Corps of Engineers, an emergency exists; or during crop moving seasons when, in the opinion of the District Engineer, the attendance of a draw tender is required, provided the operators of vessels engaged in the crop moving operations give 15 days' written notice to the District Engineer and at the same time furnish sufficient evidence that such service is necessary to take care of the contemplated traffic. In the event that special periods are established by the District Engineer for the constant attendance of a draw

tender during an emergency or a crop moving season, information concerning the hours and lengths of such periods will be published in local newspapers and in the "Notice to Mariners" issued by the United States Coast Guard.

(2) From 5:00 p. m. to 8:00 a. m. during the months of July to September, inclusive, when a draw tender is not in attendance, advance notice required; to be given to the draw tender verbally, or by telephone through the Lodi Exchange, before 4:00 p. m. At all other times, at least 12 hours' advance notice required; to be given to the Division of Highways Maintenance Superintendent, 1200 South Wilson Way, Stockton, California.

(h) *Mokelumne River, including North and South Forks—(1) Mokelumne River—(1) State of California highway bridge near East Isleton.* The owner of or agency controlling this bridge shall keep a draw tender in constant attendance from 9:00 a. m. to 5:00 p. m. throughout the year; and during periods when, in the opinion of the District Engineer, Corps of Engineers, an emergency exists, or during crop moving seasons when, in the opinion of the District Engineer, the attendance of a draw tender is required provided the operators of vessels engaged in the crop moving operations give 15 days' written notice to the District Engineer and at the same time furnish sufficient evidence that such service is necessary to take care of the contemplated traffic. In the event that special periods are established by the District Engineer for the constant attendance of a draw tender during an emergency or a crop moving season, information concerning the hours and lengths of such periods will be published in local newspapers and in the "Notice to Mariners" issued by the United States Coast Guard. When a draw tender is not in attendance, advance notice required; to be given to the draw tender verbally, or by telephone through the Isleton Exchange, before 4:00 p. m.

(ii) *Drawbridges above New Hope Landing.* At least two days' advance notice required.

(2) *North Fork; Sacramento and San Joaquin Counties Highway bridge (Millers Ferry Bridge).* At least 12 hours' advance notice required. To be given to the San Joaquin County Highway Superintendent or to the County Surveyor at Stockton, California.

(3) *South Fork; San Joaquin County highway bridge (New Hope Landing Bridge).* (i) The signal for opening this bridge shall be two long blasts followed by one short blast.

(ii) At least 12 hours' advance notice required. To be given to the San Joaquin County Highway Superintendent or to the County Surveyor at Stockton, California.

(i) *Snodgrass Slough; Southern Pacific Company railroad bridge and Sacramento County highway bridge.* From 8:00 a. m. to 5:00 p. m., daily, at least 24 hours' advance notice required. From 5:00 p. m. to 8:00 a. m., the draws need not be opened for the passage of vessels except in cases of extreme emergency.

§ 203.759 * * *
Dallax Celilo Canal, Columbia River.
See § 207.710.

§ 203.760 * * *

§ 203.770 *Willapa River and navigable tributaries, Wash.; bridges.* (a) When at any time during the day or night a vessel unable to pass under the closed drawspan of any of these bridges approaches it from a distance of over 1,000 feet, the person in command of such vessel shall cause to be sounded, when the vessel is at a distance of not less than 1,000 feet, the prescribed signal and shall repeat this signal until it is understood at the bridge.

(e) The following signals are prescribed for vessels wishing to have the draws opened: For the State highway bridge over Willapa River (North Fork) at Raymond, one long blast of a whistle followed quickly by one short blast and one long blast; for the Northern Pacific Railway Company bridge over Willapa River (South Fork) at Raymond, two long blasts of a whistle followed quickly by one short blast; for the State highway bridge over Willapa River (South Fork) at Raymond, two long blasts of a whistle followed quickly by two short blasts. These bridges shall also be opened for the passage of vessels or watercraft of any description propelled by other than steam power upon like signals given by whistle or trumpet or upon verbal request of the person or persons in charge of the vessels.

§ 203.790 * * *

Lake Washington Ship Canal, Seattle, Wash. See § 207.760. [Eliminated.]

[Regs. Dec. 17, 1948, ENGWR] (28 Stat. 362, 33 U. S. C. 499)

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

[F. R. Doc. 48-11390; Filed, Dec. 29, 1948; 9:16 a. m.]

PART 211—REAL ESTATE ACTIVITIES OF THE CORPS OF ENGINEERS IN CONNECTION WITH CIVIL WORKS PROJECTS

REVISION OF PART

The heading of Part 211 is changed to read as set out above, and the remainder of Part 211 is rescinded and the following substituted therefor:

REAL ESTATE; GENERAL

- Sec.
- 211.1 Real estate defined.
 - 211.2 Authority to acquire real estate.
 - 211.3 Functions of the Chief of Engineers.
 - 211.4 Acquisition of land.
- TEMPORARY USE BY OTHERS OF CIVIL WORKS REAL ESTATE
- 211.5 Temporary use; how granted.
 - 211.6 Rights which may be granted by the Secretary of the Army.
 - 211.7 Rights which may be granted division and district engineers.
 - 211.8 Limitation on rights which may be granted.
 - 211.9 Applications for leases, easements, licenses and permits.

DISPOSAL OF REAL ESTATE ACQUIRED FOR CIVIL WORKS PURPOSES

- Sec.
- 211.10 Disposition of lands.
 - 211.11 Sale of salvage of buildings, improvements, or crops.
 - 211.12 Exchange of lands.
 - 211.13 Approval of the Office, Chief of Engineers.

REAL ESTATE CLAIMS

- 211.14 Definition.
- 211.15 Statutory provisions.
- 211.16 Scope and application of Army Regulations.
- 211.17 Authority of Division Engineers to settle claims.
- 211.18 Action by claimant.
- 211.19 Place of filing claims.
- 211.20 Form of claim.
- 211.21 Evidence to be submitted by claimant.
- 211.22 Real estate claims officers.
- 211.23 Procedure.
- 211.24 Disposition of claims.

FEDERAL JURISDICTION OVER REAL ESTATE

- 211.25 General considerations in the acquiring of Federal jurisdiction.
- 211.26 Functions in acquiring Federal jurisdiction.
- 211.27 Methods of acquiring Federal jurisdiction.
- 211.28 Acceptance of jurisdiction.

AUTHORITY: §§ 211.1 to 211.28 issued under R. S. 161; 5 U. S. C. 22.

REAL ESTATE; GENERAL

§ 211.1 *Real estate defined.* The term "real estate" as used in this part includes land; buildings; piers and wharves; office and storage space; rights-of-way or easements, whether temporary or permanent; and any interests which may be acquired or held therein for the use or benefit of the United States by the Department of the Army or any branch thereof.

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

(b) The authority of the Secretary of the Army to acquire real estate for river and harbor improvements, flood control projects and allied purposes, is based upon enactments of the Congress authorizing the particular projects and appropriating funds therefor. These enactments are generally termed Flood Control Acts and are passed following the submission by the Secretary of the Army of preliminary plans and surveys to the Congress for consideration and approval.

(c) *Local cooperation.* As a general rule in river and harbor and flood control projects, except channel improvements, channel rectifications, dam and reservoir, and certain other types of projects, local interests are required to provide without cost to the United States, all lands, easements and rights-of-way necessary for the construction of the projects.

§ 211.3 *Function of Chief of Engineers.* (a) The Chief of Engineers, under the authority of the Secretary of the Army, is charged with the responsibility for the acquisition, management and disposal of all real estate or interests

therein required for use by the Department of the Army for river and harbor, flood control and allied purposes.

§ 211.4 *Acquisition of land.* (a) Real property and interests therein may be acquired by the Department of the Army by:

- (1) Purchase.
- (2) Condemnation.
- (3) Transfer from other Government departments and agencies.
- (4) Lease or similar instrument.
- (5) Donation or gift.

(b) *Methods of acquisition—(1) Purchase.* It is the policy of the Department of the Army to secure title to lands, or the desired interest therein, by direct negotiation and purchase, where possible. Each tract of land to be acquired is approved by qualified appraisers for the purpose of determining the market value. Options for the purchase of land will not be negotiated containing reservations or exceptions by landowners or subject to outstanding rights in third parties which may interfere with the use of the land for which it is being acquired. In no case will an option be negotiated in which a vendor excepts or reserves the right to repurchase the property, or undertakes to convey subject to rights in a third party. Generally, landowners or tenants are authorized to reserve, or except from the sale, crops, timber, buildings and improvements with the right to remove same within a specified period, provided such buildings, etc., are not required for use by the Department of the Army. Land is acquired subject to public highways, roads, railroads, pipelines, and other utilities, and if it is determined that they interfere with the Government's use of the property, will be relocated or extinguished by contract between the Government and State, county or utility involved. If at any time in the course of acquisition by direct purchase, it becomes apparent that acquisition by such means will involve substantial delay or cannot be accomplished because of title defects which cannot be eliminated within a reasonable time, or because of failure to agree on the price to be paid, action is taken to acquire the land by condemnation.

(2) *Condemnation.* Condemnation of land is accomplished by the Secretary of the Army requesting the Attorney General to file a condemnation petition and procure an order from the court in the Federal Judicial District where the land is located, granting to the United States the right of immediate possession. The declaration of taking act (40 U. S. C. 258a-d) permits the Government to file a declaration of taking in conjunction with the condemnations proceedings, and provides that title to the property described therein vests immediately upon filing of the declaration in court and deposit of the Government's estimate of compensation, named in the declaration, in the registry of the court. The court may enter orders directing that all or part of the money deposited by the Government be paid to the owner of the land or other persons having an interest therein. This payment is without prejudice to the landowner's right to seek a higher value for his land in the trial of

the case before the court. Pending or during the trial under condemnation proceedings, negotiations may still be conducted with the landowner for the direct purchase of his property, and in the event an agreement is reached, action is taken to dismiss the land in question from the condemnation proceedings.

(3) *Transfer of land.* Transfer of land from other Government agencies to the Department of the Army is generally accomplished by obtaining a use permit, or if the land is desired permanently, then by transfer under applicable legislative authority. In the absence of such authority, a permit is obtained pending enactment of special legislation by the Congress. Public domain land under the Department of the Interior may be withdrawn and set aside for the use of the Department of the Army by Executive Order or a Public Land Order.

(4) *Lease.* The negotiation of leases for river and harbor and flood control purposes must be approved by the Chief of Engineers or his duly authorized representative.

TEMPORARY USE BY OTHERS OF CIVIL WORKS REAL ESTATE

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

§ 211.6 *Rights which may be granted by the Secretary of the Army in river and harbor and flood control property—*

(a) *Leases.* (1) The Secretary of the Army is authorized, whenever he shall deem it to be advantageous to the Government, to lease such real property under the control of his Department as is not surplus to the needs of the Department within the meaning of the Act of 3 October 1944 (58 Stat. 765), and is not for the time required for public use, to such lessee or lessees and upon such terms and conditions as in his judgment will promote the national defense or will be in the public interest. Each such lease shall be for a period not exceeding five years unless the Secretary of the Army shall determine that a longer period will promote the national defense or will be in the public interest. The Secretary of the Army may include, among other terms and conditions in the lease, a right of first refusal in the lessee to purchase the property in the event of the revocation of the lease in order to permit sale thereof by the Government, but this shall not be construed as authorizing the sale of any property unless the sale thereof is otherwise authorized by law. Each such lease shall contain a provision permitting the Secretary of the Army to revoke the lease at any time, unless he shall determine that the omission of such provision from the lease will promote the national defense or will be in the public interest. In any event each such lease shall be revocable by the Secretary of the Army during a national emergency declared by the President. Notwithstanding section 321 of the Act of 30 June 1932 (47 Stat. 412; 40 U. S. C. 303b), or any other provision of law, any such lease may provide for the maintenance, protection, repair, or restoration

by the lessee, of the property leased or of the entire unit or installation where a substantial part thereof is leased, as a part or all of the consideration for the lease of such property. In the event utilities or services shall be furnished by the Department of the Army to the lessee in connection with any lease, payments for utilities or services so furnished may be covered into the Treasury to the credit of the appropriation or appropriations from which the costs of furnishing any such utilities or services to the lessee was paid. Except as otherwise hereinabove provided, any money rentals received by the Government directly under any such lease shall be deposited and covered into the Treasury as miscellaneous receipts. The authority herein granted shall not apply to oil, mineral, or phosphate lands (Act of 5 August 1947, 61 Stat. 774; 10 U. S. C. 1270).

(2) The Chief of Engineers, under the supervision of the Secretary of the Army, is authorized to construct, maintain, and operate public park and recreational facilities in reservoir areas under the control of the Department of the Army and to permit the construction, maintenance, and operation of such facilities. The Secretary of the Army is authorized to grant leases of lands, including structures or facilities thereon, in reservoir areas for such periods and upon such terms as he may deem reasonable: *Provided*, That leases to non-profit organizations may be granted at reduced or nominal rentals in recognition of the public service to be rendered in utilizing the leased premises: *Provided further*, That preference shall be given to Federal, State, or local governmental agencies, and licenses may be granted without monetary considerations to such agencies for the use of all or any portion of a reservoir area, when the Secretary of the Army determines such actions to be in the public interest, and for such periods of time and upon such conditions as he may find advisable. The water areas of all such reservoirs shall be open to the public use generally, without charge, for boating, swimming, bathing, fishing, and other recreational purposes, and ready access to and exit from such water areas along the shores of such reservoirs shall be maintained for general public use, when such use is determined by the Secretary of the Army not to be contrary to the public interest, all under such rules and regulations as the Secretary of the Army may deem necessary. No use of any area to which this section applies shall be permitted which is inconsistent with the laws for the protection of fish and game of the State in which such area is situated. All moneys received for leases or privileges shall be deposited in the Treasury of the United States as miscellaneous receipts. (Sec. 4, Act of 22 December 1944, 58 Stat. 887, 889, as amended by sec. 4, Act of 24 July 1946, 60 Stat. 641.)

(b) *Easements.* The Secretary of the Army is authorized to grant easements for rights-of-way across real estate acquired for civil purposes as follows:

(1) *Poles and wires.* The Secretary of the Army may grant easements for rights-of-way, for periods not exceeding

50 years, for poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, over lands under his jurisdiction, upon a finding that the same is not incompatible with the public interest (see Act 4 March 1911; 36 Stat. 1253; 43 U. S. C. 961). Form of easement is ENG Form 1360.

(2) *Pipe lines.* The Secretary of the Army may grant easements for rights-of-way for gas, water, and sewer pipe lines across lands under his control provided that such grants will be in the public interest and will not substantially injure the interest of the United States in the property affected thereby (see Act 17 May 1926; 44 Stat. 562; 10 U. S. C. 1351). Form of easement is ENG Form 1361.

(3) *Other easements.* The Secretary of the Army is authorized and empowered, under such terms and conditions as are deemed advisable by him, to grant easements for rights-of-way over, across, in and upon acquired lands under his jurisdiction and control, and public lands permanently withdrawn or reserved for the use of the Department of the Army, to any State, political subdivision thereof, or municipality, or to any individual, partnership, or corporation of any State, Territory, or possession of the United States, for:

- (1) Railroad tracks;
- (2) Oil pipe lines;
- (3) Substations for electric power transmission lines, telephone lines, and telegraph lines, and pumping stations for gas, water, sewer, and oil pipe lines;
- (4) Canals;
- (5) Ditches;
- (6) Flumes;
- (7) Tunnels;
- (8) Dams and reservoirs in connection with fish and wildlife programs, fish hatcheries, and other fish-cultural improvements;
- (9) Roads and streets;

Provided, That:

(a) Such rights-of-way shall be granted only upon a finding by the Secretary of the Army that the same will not be incompatible with the public interest.

(b) Such rights-of-way shall not include any more land than is reasonably necessary for the purpose for which granted.

(c) All or any part of such rights-of-way may be annulled and forfeited by the Secretary of the Army for failure to comply with the terms and conditions of the grant or for the nonuse for a period of two consecutive years or abandonment of rights granted. (See Act 24 July 1946, 60 Stat. 641.)

§ 211.7 *Rights which may be granted by division and district engineers—*(a) *Authority of division and district engineers.* Division engineers, the President of the Mississippi River Commission, and district engineers of districts to which real estate functions have been or may be assigned are authorized to lease, in the name of and by authority of the Secretary of the Army, lands of the United States and improvements thereon, acquired for reservoirs for navigation and flood control, subject to the prior approval of the Chief of Engineers. Recommendations of district engineers will be considered by division engineers and

the President of the Mississippi River Commission in granting leases and district engineers will administer the provisions of the leases, including the collection and deposit of payments.

§ 211.8 Limitations on rights which may be granted—(a) Advertising. It is the policy to grant leases to the highest responsible bidders after advertising, where competition is practicable. Advertising consists of the circularization of notices among former owners of the land, owners of adjacent lands, and others known to be interested and by the posting of notices in public places, and publication of notices in newspapers where such publication is deemed advisable. Exceptions have been made to this policy in favor of former owners in granting leases for agricultural and grazing purposes in reservoir areas.

(b) Consideration. The act of 5 August 1947 (61 Stat. 774; 10 U. S. C. 1270) provides that notwithstanding section 321 of the Act of 30 June 1932 (47 Stat. 412; 40 U. S. C. 303b) or any other provision of law, any such lease may provide for the maintenance, protection, repair, or restoration by the lessee, of the property leased or of the entire unit or installation where a substantial part thereof is leased, as a part or all of the consideration for the lease of such property. The consideration will be adequate but may consist of money and/or maintenance, protection, repair, or restoration by the lessee, of the property leased.

(c) Consideration in easements and licenses. In order to fully protect the interests of the United States, the Secretary of the Army will not, without substantial compensation grant to non-government agencies, for the purpose of private profit, valuable rights in Government property. A fair charge will be made for such privileges, the amount to be determined by all the circumstances surrounding the case, including an estimate as to what private interest in the vicinity would charge for a similar privilege.

§ 211.9 Applications for leases, easements, licenses, and permits. Applications for use of Civil Works property should be made to the district engineer of the district within the boundaries of which the real estate is located. The district engineer will determine whether the property will be required for public use during the period of the contemplated grant and whether the requested grant will interfere with any operations of the United States.

DISPOSAL OF REAL ESTATE ACQUIRED FOR CIVIL WORKS PURPOSES

§ 211.10 Disposition of lands. (a) Acts authorizing the Secretary of the Army to dispose of land acquired for the improvements of canals, rivers and harbors, or for flood control purposes are as follows:

(1) Section 7 of the act of Congress approved August 30, 1935 (49 Stat. 1048; 33 U. S. C. 558a) as extended by section 6 of the act approved August 18, 1941 (55 Stat. 650; 33 U. S. C. 701c-2, 77th Congress) authorizing sale of lands no

longer needed for the purpose for which acquired.

§ 211.11 Sale or salvage of buildings, improvements, or crops—(a) Authority of law. When any property (except land) which has been heretofore or may be hereafter purchased or acquired for the improvement of rivers and harbors or for flood control work is no longer needed, or is no longer serviceable, it may be sold in such manner as the Secretary of the Army may direct and the proceeds credited to the appropriation for the work for which it was purchased or acquired. (Section 5, act of June 13, 1902 (32 Stat. 373; 33 U. S. C. 558), as extended by Section 3, act of March 1, 1917 (39 Stat. 450; 33 U. S. C. 701)).

(b) Division Engineers. Sales are conducted by the Division Engineers, Corps of Engineers.

(c) Removal of Buildings, improvements, or crops other than by sale. If the buildings, improvements, or crops cannot be sold, they may be salvaged or razed as a part of the work under the project if they are in the way of new construction or interfere with the efficient operation of the project.

§ 211.12 Exchange of lands. The Secretary of the Army is authorized to exchange lands acquired for river and harbor and flood control projects for privately-owned lands required for such purposes (Sec. 2 of the act of June 20, 1938 (52 Stat. 804; 33 U. S. C. 558b) as extended by sec. 3 of the act of August 11, 1939 (53 Stat. 1414, 33 U. S. C. 558b-1)).

§ 211.13 Approval of the Office of the Chief of Engineers. In any case in which it may be necessary or advisable in the execution of an authorized project to exchange real property of the Government for real property required for such project, the Chief of Engineers receives a directive from the Secretary of the Army, and effects the exchange through the Division Engineers, Corps of Engineers.

REAL ESTATE CLAIMS

§ 211.14 Definition. The term "real estate claims" refers to those demands for payment submitted by individuals, partnerships, associations or corporations, including states, territories, and political subdivisions thereof, for rent, damages, utilities, out-of-pocket expenses and other payments, arising under the terms and conditions, whether express or implied, of leases or other contracts for the use and occupancy of real estate by the Department of the Army or the Army, including right of entry permits, options to purchase, and other instruments sufficient to support a contractual relationship between the United States and property owner, or arising from the use and occupancy of real estate by the Department of the Army or the Army with the express or implied consent of the owner thereof in the absence of any formal lease or other contract therefor.

§ 211.15 Statutory provisions. (a) All claims and demands whatever against the Government, unless there is some special authority for the settlement thereof by the department concerned, shall be settled and adjusted in the Gen-

eral Accounting Office (See R. S., sec. 236, as amended by Act of 10 June 1921, 42 Stat. 24; 31 U. S. C. 71).

(b) Meritorious Claims Act. When there is filed in the General Accounting Office a claim or demand against the United States that may not lawfully be adjusted by the use of an appropriation theretofore made, but which claim or demand in the judgment of the Comptroller General of the United States contains such elements of legal liability or equity as to be deserving of the consideration of the Congress, he shall submit the same to the Congress, by a special report containing the material facts and his recommendations thereon (Act of 10 April 1928; c. 334, 45 Stat. 413; 31 U. S. C. 236).

(c) Limitations of time on claims and demands under (a) and (b) of this section. The Act of 9 October 1940 (54 Stat. 1061; 31 U. S. C. 71a) provides that every claim or demand (except a claim or demand by any State, Territory, possession or the District of Columbia) against the United States cognizable by the General Accounting Office under the Act of 10 June 1921 and the Act of 10 April 1928 will be forever barred unless such claim, bearing the signature and address of the claimant or of an authorized agent or attorney, will be received in said office within ten full years after the date such claim first accrued: *Provided, however,* That when such a claim of any person serving in the military or naval forces of the United States accrues in time of war, or when war intervenes within five years after its accrual, such claim may be presented within five years after peace is established. The Act further provides that whenever any claim barred by the preceding provision will be received in the General Accounting Office, it will be returned to the claimant, with a copy of this Act (Act of 9 October 1940) and such action will be a complete response without further communication.

(d) Domestic Claims Act. The Act of 3 July 1943 (57 Stat. 372; 31 U. S. C. 223b, 223c) as amended by the Act of 29 May 1945 (Public Law 67, 79th Congress) and as further amended by the Act of 28 June 1946 (Public Law 466, 79th Congress), provides for the payment of claims arising on or after 27 May 1941, for damage to or loss or destruction of property, real or personal, caused by military personnel or civilian employees of the Department of the Army or of the Army while acting within the scope of their employment or otherwise incident to non-combat activities of the Department of the Army or of the Army, including claims for damages to real property incident to the use and occupation thereof, whether under a lease, express or implied, or otherwise, and including claims of the foregoing categories arising out of civil works, provided they do not exceed \$1,000. The act further provides that the damage to or loss or destruction of property shall not have been caused in whole or in part by any negligence or wrongful act on the part of the claimant, his agent or employee; that no claim shall be settled under the Act unless presented in writing within one year after the incident out of which such claim arises shall have occurred except that if the incident

occurs in time of war, or if war intervenes within one year after its occurrence, any claim may, on good cause shown, be presented within one year after peace is established. The Secretary of the Army is authorized to report such claims as exceed \$1,000 to Congress for its consideration.

§ 211.16 Scope and application of Army Regulations. (a) AR (Army Regulations) 25-25 has been issued in furtherance of the Act of 3 July 1943. The regulations in this part, in keeping with the terms of the act, apply to claims for damages only. Paragraph 7 of AR 25-25 provides that claims for damages to real property incident to the use and occupancy thereof by the Government under a lease express or implied, or otherwise, are payable under these regulations even though legally enforceable against the Government as contract claims. However, if deemed preferable in the best interest of the Government claims payable under paragraph 7 may be processed to the General Accounting Office for direct settlement under sec. 236; Revised Statutes. Claims for rent of real property are not payable under AR 25-25.

(b) AR 100-64 has been issued in furtherance of Section 236, Revised Statutes, as amended by the Act of 10 June 1921; 42 Stat. 24, 31 U. S. C. 71. These regulations provide exclusive authority for the consideration and settlement of claims for rent and other payments of an express or implied contractual nature, and optional authority with AR 25-25 for settlement of damages, in excess of \$1,000 arising out of the use and occupancy of real estate by the Department of the Army or the Army under an agreement expressed or implied. AR 100-64 applies to all claims for rent regardless of amount and for other payments of a contractual nature, for example, claims for electricity, heat, light, water, and other out-of-pocket expenses, repairs, etc., where such expenses are not included in the lease as a part of the rental consideration.

§ 211.17 Authority of Division Engineers, Corps of Engineers, to settle claims.

(a) Authority has been delegated to Division Engineers, within the geographical limits of their respective jurisdictions, to approve or disapprove, in amounts not exceeding \$1,000, any claim within the purview of the Act of 3 July 1943, as amended. Insofar as real estate claims are concerned this delegation of authority applies only to claims for damages incident to the use and occupancy of real property by the Department of the Army or the Army.

(b) Division Engineers have no authority to settle and make payment of claims for damages in excess of \$1,000 or for rents or other payments of a contractual nature regardless of amount arising out of the use and occupancy of real estate under an agreement, express or implied, or otherwise.

§ 211.18 Action by claimant. Real estate claims may be presented by the owner of the property or his duly authorized agent or legal representative. The word "owner", as so used, includes lessees, mortgagors, and conditional ven-

dees, but does not include mortgagees, conditional vendors, and others having title for purposes of security only. The claim, if filed by an agent or legal representative, should show the title of the person signing and be accompanied by evidence of the appointment of such person as agent, executor, administrator, guardian, or other fiduciary.

§ 211.19 Place of filing claims. All real estate claims should be submitted to the United States Division Engineer in whose jurisdiction the claim arises.

§ 211.20 Form of claim. Claims should be submitted by presenting in triplicate a signed statement, giving the claimant's address, setting forth the amount of the claim, and, so far as possible, the detailed facts and circumstances giving rise to the claim, indicating and describing the property involved, the date or dates, and the nature and extent of the damage, loss or destruction claimed, and the agency or branch of the Department of the Army or Army using the property. Upon receipt of such a claim the Division Engineer will, where practicable or necessary, furnish the claimant with Department of the Army forms for a more formal presentation of his claim including instructions as to their use.

§ 211.21 Evidence to be submitted by claimant. (a) All claims must be substantiated by competent evidence. If the claim is for rent or other payment the claimant should furnish evidence as to the value of the property, income from the property if previously rented, or rental value of similar property in the vicinity. If the property is under a formal lease to the Government, the claimant should identify the lease and state the covenants of the lease upon which he predicates his claim. Where the claim is for damage to the property which has been or can be economically repaired the claimant should submit in triplicate an itemized signed statement or estimate of the cost of repairs and copies of itemized receipts, evidencing payment for any expenditures made in relation to the property for which reimbursement is claimed.

(b) In support of claims for damage to crops the claimant should submit a statement showing the number of acres, or other unit measure, of crops damaged, the normal yield per unit, the gross amount which would have been realized from normal yield, and an estimate of the further cost of cultivation, harvesting and marketing; if the crops are one which need not be planted each year, the diminution in value of the land beyond the damage to the current year's crop should also be stated. All such statements or estimates should, if possible, be by disinterested competent witnesses, preferably responsible dealers of the type of property damaged.

§ 211.22 Real Estate Claims Officers. In each Division Office the Division Engineer has appointed a Claims Officer or Assistant Claims Officers who have the duty and responsibility under the direction of the Division Real Estate Officer, to investigate all real estate claims. The activities and responsibilities of these

Claims Officers are described more fully below under "Procedure".

§ 211.23 Procedure. Upon the receipt of any real estate claim it is submitted to a Claims Officer who investigates the matter and secures all evidence necessary for a full consideration of the claim and upon which a determination can be made as to the liability of the Government. For this purpose the Claims Officer is authorized and charged with the duty of securing sufficient evidence to establish with certainty the following general points:

- (a) The nature of the claim.
- (b) The interest of the claimant in the property and the interest that others may have in the property.
- (c) Date and circumstances under which occupation of premises occurred and date of vacation. If under a lease, the lease number and date of lease.
- (d) Inspection of the premises and determination of the amount of damages.
- (e) If claim is for rental without formal lease or agreement, data as to the market and rental value of the property.
- (f) Any other pertinent evidence the particular facts of the case require.

The above obligations of the Claims Officer does not relieve the claimant from the burden of proving his claim and it is the duty and obligation of the claimant to furnish such evidence within his particular knowledge as the Claim Officer may require.

Upon completion of his investigation the Claims Officer prepares a report setting forth completely but briefly the nature and amount of the claim, all pertinent facts necessary to determine the rights and liabilities of the claimant and the Government, and the Claims Officer's conclusions and recommendations as to allowance or disallowance of the claim in whole or in part and reasons therefor, including citations to any laws, statutes, or other decisions which it is believed will substantiate his recommendation.

§ 211.24 Disposition of claims. (a) Real estate claims for damages not exceeding \$1,000 may be settled by the Division Engineer. If the Division Engineer allows the claim in toto it is transmitted to the local Disbursing Officer who transmits a check to claimant in payment of the claim. Where the claim is disallowed by the Division Engineer, in whole or in part, the claimant is so advised and in the event that he is unwilling to accept the decision of the Division Engineer, he may appeal within 30 days after receipt of such notice, through the Division Engineer's Office, to the Secretary of the Army. This appeal should state in full reasons for not accepting the Division Engineer's award.

(b) Claims for damages in excess of \$1,000 arising out of the use and occupancy of real estate under an agreement, express or implied, or otherwise, are forwarded to the General Accounting Office for settlement.

(c) **Claims for rent or other payments.** Claims for rent or other payments of a contractual nature regardless of amount arising out of the use and occupancy of real estate under an agreement, express or implied, or otherwise, are forwarded to the General Accounting Office.

(d) *Mixed claims for rental and damages.* When a claim arising from the use and occupancy of real estate has been received, the elements of the claim are first determined. If the claim is for damages not in excess of \$1,000 and rental, these elements are if practicable, separated and the damages settled under AR 25-25, otherwise the claims are forwarded to the General Accounting Office for direct settlement.

FEDERAL JURISDICTION OVER REAL ESTATE

§ 211.25 *General considerations in the acquiring of Federal jurisdiction—(a) Laws governing the acquisition of Federal jurisdiction—(1) Constitution of the United States.* By Article 1, Section 8, Clause 17, of the Constitution, Congress has the power to exercise exclusive legislation in all cases in the District of Columbia and to exercise like authority over all land acquired by the United States with the consent of the legislature of the State in which the land is located for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

(2) *Section 355, Revised Statutes of the United States.* Under this section as amended by the Acts of Congress approved 1 February 1940 (54 Stat. 19) and 9 October 1940 (54 Stat. 1083; 40 U. S. C. 255), jurisdiction over lands acquired by the Department of the Army does not vest until the Secretary of the Army has indicated acceptance of such jurisdiction by filing a notice of acceptance with the governor of the State or in such manner as may be prescribed by the laws of the State where the land is situated.

(3) *State laws.* The laws of the various States indicate the type of jurisdiction ceded or to be ceded, and prescribe the requirements, if any, to be complied with prior to the vesting of jurisdiction in the United States.

§ 211.26 *Functions in acquiring Federal jurisdiction—(a) The Division Engineer.* Upon determination that Federal jurisdiction is desired over a Civil Works Project, the Office of the Division Engineer concerned prepares such maps and descriptions of the lands involved as may be required and forwards them to the Office of the Chief of Engineers with any further information called for by the laws of the State where the lands are located.

(b) *Chief of Engineers.* All letters and other papers required to procure cessions of jurisdiction and all notices of acceptance are prepared in the Office of the Chief of Engineers.

§ 211.27 *Method of acquiring Federal jurisdiction.* Jurisdiction is acquired in accordance with the laws of the various States.

§ 211.28 *Acceptance of jurisdiction.* The jurisdiction ceded by the State laws, by deeds of cession and by the enactment of special legislation shall be accepted in accordance with section 355, Revised Statutes, as amended, in order to establish Federal jurisdiction. This is accomplished by a letter from the Secretary of the Army addressed to the Governor of the State concerned or by

an indorsement on the deed of cession giving notice of such acceptance.

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

[F. R. Doc. 48-11378; Filed, Dec. 29, 1948;
9:15 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter VI—Department of the Navy

REDESIGNATION AND REVISION OF REGULATIONS Correction

In the document appearing in Part II of the issue for Tuesday, December 28, 1948, the signature and file line were inadvertently omitted. These should read: "W. John Kenney, Acting Secretary of the Navy" and "[F. R. Doc. 48-11311; Filed, Dec. 27, 1948; 8:46 a. m.]".

Chapter VII—Department of the Air Force

APPLICABILITY OF CERTAIN PORTIONS OF ARMY REGULATIONS TO THE DEPARTMENT OF THE AIR FORCE

Pending adoption of Air Force regulations the following parts of Chapter V—Department of the Army are applicable to the Department of the Air Force and are assigned numbers in this chapter as indicated in the following table:

Chapter V, Part No.	Chapter VII, Part No.
501 Employment of troops in aid of civil authorities.....	801
502 Relief assistance.....	802
503 Arrest and confinement of persons not subject to military law.....	803
505 Safeguarding technical information.....	805
506 Use of military telegraph lines.....	806
507 Manufacture of decorations.....	807
508 Competition with civilian bands.....	808
512 Prisoners.....	812
531 Bonds of accountable officers.....	831
533 Gratuity upon death.....	833
534 Military court fees.....	834
535 Payment of bills and accounts.....	835
536 Claims against the United States.....	836
537 Claims on behalf of the United States.....	837
538 Allotments of pay.....	838
554 Army exchanges.....	854
555 Motion picture service.....	855
557 Service clubs, hostesses and librarians.....	857
564 Enlisted Reserve Corps.....	864
571 Recruiting and induction for the Army of the United States.....	871
578 Decorations, medals, ribbons, and similar devices.....	878
580 Women's Army Corps.....	880
582 Discharge or separation from service.....	882
631 General transport regulations.....	931
633 Transportation of individuals.....	933

(Sec. 207f, Pub. Law 253, 80th Cong., 61 Stat. 502; 5 U. S. C. Sup. 626 (f); Transfer Order 1, Sept. 26, 1947, 32 CFR 1947 Sup. Chapter I)

L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 48-11395; Filed, Dec. 29, 1948;
9:19 a. m.]

Subchapter B—Aircraft

PART 821—USE OF AIR FORCE AIRCRAFT TRANSFER AND REVISION OF REGULATIONS

The material contained in §§ 201.1, 201.3 to 201.10 inclusive, Chapter II of Subtitle B, Title 10, is hereby revised and transferred to Chapter VII, Title 34 and is redesignated Subchapter B, Part 821 as follows:

- Sec.
821.1 Purpose.
821.2 Definition.
821.3 Passengers.
821.4 Additional authorizations.
821.5 Release from claim for injury or death.

AUTHORITY: §§ 821.1 to 821.5 issued under R. S. 161; 5 U. S. C. 22; E. O. 9686, Aug. 22, 1947, 3 CFR 1947 Sup.; Order, Secretary of Defense, Nov. 18, 1947, 12 P. R. 7941, 32 CFR 1947 Sup. Chapter I.

§ 821.1 *Purpose.* This part establishes precedence for personnel who may ride in Air Force aircraft. This part and its provisions are not applicable to aircraft operated by or for the Military Air Transport Service.

§ 821.2 *Definition.* The term "state officials" as used in § 821.3 (b) applies only to state governors, lieutenant governors, and adjutants general or persons specified by them in writing as being on National Guard or Federal business.

§ 821.3 *Passengers.* Commanding officers of Air Force bases may authorize the following personnel to ride as passengers in Air Force aircraft, as distinguished from Air National Guard aircraft, subject to conditions outlined below:

(a) *Reserve and National Guard.* Military personnel of the National Guard of the United States and the United States Air Force Reserve; Organized Reserve Corps, Department of the Army; Naval Reserve; Coast Guard Reserve and Marine Reserve may be authorized to ride as passengers in Air Force aircraft when:

(1) In uniform or civilian clothing upon presentation of orders issued by competent authority and proper identification.

(2) In uniform and upon presentation of proper identification only on a space available basis after all priority requirements have been satisfied.

(3) Military personnel of the Air National Guard and Organized Reserve of the United States Air Force Reserve, on local flights, upon presentation of proper identification.

(b) *State officials of National Guard.* State officials of the National Guard (see § 821.2) may be permitted to ride as passengers on Air Force aircraft provided:

(1) The necessity for air travel is connected directly with the National Guard or Federal activities.

(2) The flight is confined to the continental limits of the United States.

(3) Persons riding as passengers in Air Force aircraft in accordance with this authority will comply with the provisions of § 821.5 except when such persons are being transported in their capacity as military personnel of the National Military Establishment of the United States.

(c) *Reserve Officers Training Corps student.* Reserve Officers Training Corps students of the Army and the Air Force