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The President

EXECUTIVE ORDER

DEFINING CERTAIN VITAL MILITARY AND NAVAL INSTALLATIONS AND EQUIPMENT

WHEREAS section 1 of the act of January 12, 1938, 52 Stat. 3, provides:

"That, whenever, in the interests of national defense, the President shall define certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military and naval installations or equipment without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, and promptly submitting the product obtained to such commanding officer or higher authority for censorship or such other action as he may deem necessary. Any person found guilty of a violation of this section shall upon conviction be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment."

NOW, THEREFORE, by virtue of the authority vested in me by the foregoing statutory provisions, and in effectuation of the purposes of the said act of January 12, 1938, I hereby define the following as vital military and naval installations or equipment requiring protection against the general dissemination of information relative thereto:

1. All military or naval installations and equipment which are now classified, designated, and marked under the authority or at the direction of the Secretary of War or the Secretary of the Navy as "secret", "confidential", or "restricted", and all military or naval installations and equipment which may hereafter be so classified, designated, and marked with the approval or at the di-

rection of the President, and located within:

(a) Any military or naval reservation, post, arsenal, proving ground, range, mine field, camp, fort, yard, station, district, or area.

(b) Any defensive sea area heretofore or hereafter established and existing under authority of section 44 of the United States Criminal Code, as amended by the act of March 4, 1917, 39 Stat. 1194 (U.S.C., title 18, sec. 96).

(c) Any airspace reservation heretofore or hereafter established and existing under authority of section 4 of the Air Commerce Act of 1926 (44 Stat. 570, U.S.C., title 49, sec. 174).

(d) Any naval harbor closed to foreign vessels.

(e) Any area required for fleet purposes.

(f) Any commercial establishment engaged in the development or manufacture of military or naval arms, munitions, equipment, designs, ships, or vessels for the United States Army or Navy.

2. All military or naval aircraft, weapons, ammunition, vehicles, ships, vessels, instruments, engines, manufacturing machinery, tools, devices, or any other equipment whatsoever, in the possession of the Army or Navy, or in the course of experimentation, development, manufacture, or delivery for the Army or Navy, which are now classified, designated, and marked under the authority or at the direction of the Secretary of War or the Secretary of the Navy as "secret", "confidential", or "restricted", and all such articles, materials, or equipment which may hereafter be so classified, designated, and marked with the approval or at the direction of the President.

3. All official military or naval books, pamphlets, documents, reports, maps, charts, plans, designs, models, drawings, photographs, contracts, or specifications, which are now marked under the authority or at the direction of the Secretary of War or the Secretary of the Navy as "secret", "confidential", or "restricted", and all such articles or equipment which

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may hereafter be so marked with the approval or at the direction of the President.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 22 1940.

[No. 8381]

[F. R. Doc. 40-1220; Filed, March 23, 1940;
12:09 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Wheat 41-1]

PART 728—REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS FOR THE 1941 CROP OF WHEAT*

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728.213	Opportunity to furnish data.
728.214	Instructions and forms.
728.215	Definitions.

By virtue of the authority vested in the Secretary of Agriculture by Section 375 of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938), as amended, I do make, prescribe, publish, and give public notice of the following regulations governing farm acreage allotments for the 1941 crop of wheat under Title III of said Act, to be in force and effect until rescinded, amended, or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

§ 728.211 *Applicable provisions of the Act.* Section 334 (c) of the Act provides as follows:

The allotment to the county shall be apportioned by the Secretary, through the local committees, among the farms within the county on the basis of tillable acres, crop-rotation practices, type of soil, and topography. Not more than 3 per centum of such county allotment shall be apportioned to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment is made.

The amount of the national acreage allotment is provided for by section 333 of the Act, the amount of the State acreage allotment by section 334 (a) of the Act, and the amount of the county acreage allotment by section 334 (b) of the Act.*

§ 728.212 *Method of determining farm acreage allotments*—(a) *Farms upon which wheat was seeded for harvest in at least one of the years 1938, 1939, and 1940*—(1) *Tillable acres and crop rotation practices.* As the basis for apportionment for the first two factors (tillable acres and crop-rotation practices) specified in section 334 (c) of the Act, the county committee shall first deter-

mine for each farm a "usual" acreage of wheat. This acreage shall be the average annual acreage of wheat seeded for harvest (plus the acreage determined by the county committee to have been diverted from the production of wheat under the agricultural adjustment and conservation programs) during three or more consecutive years of the period 1935-1940, determined pursuant to instructions issued by the Administrator of the Agricultural Adjustment Administration. However, if, with respect to any farm, the county committee finds that the acreage seeded to wheat in any of the years in such period (a) was abnormally low due to extreme flood or drought, (b) is not typical of the farm for 1941 due to customary crop-rotation practices, a change in such practices, or a change in the acreage of cropland in the farm, or (c) was abnormally high due to failure of crops other than wheat, such year shall be eliminated in determining the usual acreage of wheat for such farm. If for any of such years no data are available, such year shall also be eliminated.

For any farm for which all the years in the applicable period are thus eliminated, the usual acreage of wheat shall be determined by the county committee on the basis of tillable acres and crop-rotation practices; this usual acreage shall be based on the usual acreage for similar farms in the county or community, or the indicated usual acreage described in the next following two sentences. This indicated usual acreage shall be determined by multiplying the acreage of cropland on such farm in 1940 by the ratio of wheat acreage to cropland which was determined, or could have been determined, for this purpose under the regulations pertaining to the establishment of 1940 farm wheat acreage allotments. If for any county or community such ratio does not appear representative of the usual ratio of wheat acreage to cropland for farms on which wheat was seeded for harvest in 1938, 1939, or 1940, the ratio for such county or community shall be determined by dividing the average annual acreage seeded to wheat for harvest in 1937, and 1938, including any additional years that may have been included under the provisions of the preceding paragraph, by the 1940 cropland on farms on which wheat was seeded for harvest in 1938, 1939, or 1940.

(2) *Type of soil and topography.* For farms with respect to which the variation in the adaptation of the soil for the production of wheat and the topography of the cropland from the average for the county or the community is not reflected in the usual acreage of wheat for the farm, such usual acreage shall be adjusted by the county committee so as to reflect such variation in the type of soil and topography: *Provided*, That the adjustment in the usual acreage on

* §§ 728.212 to 728.215 issued under the authority contained in sec. 334 (c), 375 (b), 52 Stat. 54, 66; 16 U.S.C., Sup. IV, 1334 (c), 1375 (b).

the basis of the type of soil and topography shall not exceed 25 per cent.

Inasmuch as the usual acreage used in determining 1940 farm allotments is an adjusted average of the seeded plus diverted acreages for a period of years applicable for the determination of the usual acreage pursuant to these regulations, this 1940 usual acreage may be used as the usual acreage described in paragraph (a) (2) of this section. Since in any county the 1940 allotments are merely a constant times the 1940 adjusted usual acreage, they may, if mechanically more convenient, be used for the usual acreage described in paragraph (a) (2) of this section. If the usual wheat acreage determined for any farm in accordance with the two next preceding sentences is not representative of the farm for 1941, the usual wheat acreage for such farm for 1941 shall be determined in accordance with these regulations without regard to said two sentences.

(3) *Adjustment to county acreage allotments.* The usual acreages of wheat determined under subparagraphs (1) and (2) of this paragraph (a), adjusted pro rata to equal the county allotment minus appropriate reserves, shall be the farm acreage allotments for farms on which wheat was seeded for harvest in at least one of the three years 1938, 1939, and 1940.

(b) *Farms upon which wheat was not seeded for harvest in at least one of the years 1938, 1939, and 1940.* The county committee shall determine wheat acreage allotments for farms upon which wheat was not seeded for harvest in any of the years 1938, 1939, and 1940 but for which wheat acreage allotments are requested for 1941 prior to a date set by the State Committee or Regional Director as affording reasonable opportunity for requesting such allotments. Such allotments shall compare with those determined under paragraph (a) of this section for farms which are similar with respect to tillable acreage, type of soil, and topography: *Provided*, That the wheat acreage allotment for any such farm shall not exceed the wheat acreage allotment requested for the farm: *And provided further*, That the sum of all such farm acreage allotments in the county shall not exceed 3 per centum of the county acreage allotment. For any such farm on which the seeded wheat acreage is less than the allotment determined pursuant to the above provisions, the final allotment shall be decreased to the seeded acreage.*

§ 728.213 *Opportunity to furnish data.* Each person owning or operating a farm in the county may submit to the county committee any information or data which is relevant to the factors to be taken into consideration by the county committee in establishing farm acreage allotments.*

§ 728.214 *Instructions and forms.* The Administrator of the Agricultural Adjustment Administration shall cause

to be prepared and issued with his approval such instructions and such forms as may be required to carry out these regulations.*

§ 728.215 *Definitions.* As used in these regulations and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires:

1. *Act* means the Agricultural Adjustment Act of 1938 and any amendments thereto.

2. *Secretary of Agriculture* means the Secretary of Agriculture of the United States.

3. *Administrator* means the Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture.

4. *State Committee* means the group of persons designated within any State to assist in the administration of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act.

5. *County Committee* means a committee utilized for the county under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act.

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

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

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

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

7. *Cropland* means farm land which in 1940 was tilled or was in regular rotation, excluding restoration land and any land which constitutes or will constitute if such tillage is continued a wind-erosion hazard to the community and excluding also, except in the Southern Region, any land in commercial orchards or perennial vegetables.*

Done at Washington, D. C., this 22d day of March, 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-1206; Filed, March 22, 1940; 2:06 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 63—REGULAR ARMY RESERVES¹

§ 63.11 *Discharge before expiration of enlistment.* (a) When in an inactive status, * * *

(2) By direction of the corps area commander—

(vii) Upon failure to complete and return the required report on W.D., A.G.O. Form No. 189 (Report of Regular Army Reservist for Payment of Allowances) within fifteen days after the end of each period of four months counting from the date of enlistment or reenlistment. Unless there are reasons to the contrary, such discharges may be considered as under honorable conditions. (52 Stat. 221; 10 U.S.C. 343) [Par. 16a (2) (b) 7, A.R. 155-5, Feb. 16, 1939, as amended by Cir. 30, W.D., 1940]

§ 63.15 *Individual reports.* Report of home address, physical condition, availability for service, right thumbprint, etc., will be submitted to the corps area commander every four months, counting from the date of enlistment, by each member of the Regular Army Reserve while in inactive status. The required report will be in the form of a postal card addressed to the corps area commander and will be prepared at corps area headquarters with name and address, and mailed to the Reservist at his last recorded home address at the end of each four-month period of the individual's enlistment, for completion, signature, and return. (52 Stat. 221; 10 U.S.C. 343) [Par. 20a, AR 155-5, Feb. 16, 1939, as amended by Cir. 30, W.D. 1940]

§ 63.16 *Payment of enlistment allowance while in inactive status.* Members of the Regular Army Reserve in inactive status will be paid their enlistment allowance in installments for each four-month period counting from the date of enlistment or reenlistment, at the rate of \$24 per annum, or \$2 per month. Payment will be prorated for a fraction of four-month period, or month, when discharged or ordered to active duty before completion thereof. An enlistment allowance installment will become due and payable upon the submission of the report to the corps area commander, under the provisions of § 63.15. Service in the Regular Army Reserve not on active duty will confer no right to pay, longevity pay, retirement or retired pay, or any other emoluments upon members thereof except the enlistment allowance at the rate of \$24 per annum, or \$2 per month, and when qualified and accepted for active duty upon proper orders, an additional sum at the rate of \$3 per month for each month they have been enlisted in the

¹ §§ 63.11, 63.15, and 63.16 (4 F.R. 2069) are amended.